

2003 Assembly Bill 352

Date of enactment: **March 10, 2004**
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2003 WISCONSIN ACT 141

AN ACT *to repeal* 303.08 (1) (cg) and 303.08 (1) (cm); *to amend* 303.08 (1) (a), 303.08 (1) (b), 303.08 (1) (bn), 303.08 (1) (c), 303.08 (1) (cn), 303.08 (1) (d), 303.08 (14) and 973.09 (4) (a); and *to create* 303.08 (1) (f), 303.08 (1) (g), 303.08 (1) (h) and 303.08 (1) (i) of the statutes; **relating to:** circumstances under which a prisoner may be permitted to leave a jail.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 303.08 (1) (a) of the statutes is amended to read:

303.08 (1) (a) Seeking employment or engaging in employment training;

SECTION 2. 303.08 (1) (b) of the statutes is amended to read:

303.08 (1) (b) Working at employment;

SECTION 3. 303.08 (1) (bn) of the statutes is amended to read:

303.08 (1) (bn) Performing community service work under s. 973.03;

SECTION 4. 303.08 (1) (c) of the statutes is amended to read:

303.08 (1) (c) Conducting any self-employed occupation including housekeeping and attending the needs of the person's family;

SECTION 5. 303.08 (1) (cg) of the statutes is repealed.

SECTION 6. 303.08 (1) (cm) of the statutes is repealed.

SECTION 7. 303.08 (1) (cn) of the statutes is amended to read:

303.08 (1) (cn) Attending court proceedings to which the person is a party or for which the person has been subpoenaed as a witness;

SECTION 8. 303.08 (1) (d) of the statutes is amended to read:

303.08 (1) (d) Attendance at an educational institution;

SECTION 9. 303.08 (1) (f) of the statutes is created to read:

303.08 (1) (f) Obtaining counseling or therapy from an approved public treatment facility, as defined in s. 51.45 (2) (c), an approved private treatment facility, as defined in s. 51.45 (2) (b), a psychiatrist, a psychologist, a licensed clinical social worker, a professional counselor licensed under ch. 457, or a certified independent or advanced practice social worker who is authorized to practice psychotherapy under ch. 457.

SECTION 10. 303.08 (1) (g) of the statutes is created to read:

303.08 (1) (g) Attending an assessment for the purpose of determining the person's need for counseling or therapy under par. (f).

SECTION 11. 303.08 (1) (h) of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

303.08 (1) (h) Attending a parenting education program.

SECTION 12. 303.08 (1) (i) of the statutes is created to read:

303.08 (1) (i) Meeting with the person's probation, extended supervision, or parole officer.

SECTION 13. 303.08 (14) of the statutes is amended to read:

303.08 (14) In counties having a population of 500,000 or more, a prisoner granted the privilege authorized under sub. (1) (a) to (d) ~~or (f) to (i)~~ shall be committed to the county jail or any other facility for the housing of prisoners as determined by ordinance by the county board.

SECTION 14. 973.09 (4) (a) of the statutes is amended to read:

973.09 (4) (a) The court may also require as a condition of probation that the probationer be confined during such period of the term of probation as the court prescribes, but not to exceed one year. The court may grant the privilege of leaving the county jail, Huber facility, work camp, or tribal jail during the hours or periods of employment or other activity under s. 303.08 (1) ~~(a) to (e)~~ while confined under this subsection. The court may

specify the necessary and reasonable hours or periods during which the probationer may leave the jail, Huber facility, work camp, or tribal jail or the court may delegate that authority to the sheriff. In those counties without a Huber facility under s. 303.09, a work camp under s. 303.10, or an agreement under s. 302.445, the probationer shall be confined in the county jail. In those counties with a Huber facility under s. 303.09, the sheriff shall determine whether confinement under this subsection is to be in that facility or in the county jail. In those counties with a work camp under s. 303.10, the sheriff shall determine whether confinement is to be in the work camp or the county jail. The sheriff may transfer persons confined under this subsection between a Huber facility or a work camp and the county jail. In those counties with an agreement under s. 302.445, the sheriff shall determine whether a person who is confined under this subsection but who is not subject to an order under par. (b) is to be confined in the tribal jail or the county jail, unless otherwise provided under the agreement. In those counties, the sheriff may transfer persons confined under this subsection between a tribal jail and a county jail, unless otherwise provided under the agreement.
