

2003 ASSEMBLY BILL 352

May 20, 2003 – Introduced by Representatives HUNDERTMARK, MILLER, GIELOW, AINSWORTH, HAHN, KRAWCZYK, HINES, NISCHKE, MUSSER, M. LEHMAN, PETROWSKI, STASKUNAS, OLSEN, PLOUFF, LADWIG, GUNDERSON, LEMAHIEU, J. LEHMAN, MCCORMICK, POCAN, VAN ROY, FRISKE and TAYLOR, cosponsored by Senator ROESSLER. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to repeal* 303.08 (1) (cg) and 303.08 (1) (cm); *to amend* 303.08 (1) (a),
2 303.08 (1) (b), 303.08 (1) (bn), 303.08 (1) (c), 303.08 (1) (cn), 303.08 (1) (d), 303.08
3 (14) and 973.09 (4) (a); and *to create* 303.08 (1) (f), 303.08 (1) (g), 303.08 (1) (h)
4 and 303.08 (1) (i) of the statutes; **relating to:** circumstances under which a
5 prisoner may be permitted to leave a jail.

Analysis by the Legislative Reference Bureau

Under Wisconsin's Huber law, a person sentenced to a county jail or house of correction, or confined there as a sanction while the person is on extended supervision, may be allowed to leave the jail or house of correction to work, seek work, attend school, perform community service, attend certain court proceedings, receive medical treatment, handle family needs, or, if the person has been convicted of causing injury or death by driving while intoxicated, attend a court-ordered assessment or treatment program. Huber privileges, however, are available only with the approval of the sentencing court or, if the person is confined as a sanction while on extended supervision, the Department of Corrections.

This bill permits a person to be given Huber privileges for obtaining counseling or therapy, attending an assessment to determine the person's need for counseling

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or therapy, attending a parenting education program, or meeting with the person's probation, extended supervision, or parole officer.

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

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

2 303.08 (1) (a) Seeking employment or engaging in employment training;_

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

4 303.08 (1) (b) Working at employment;_

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

6 303.08 (1) (bn) Performing community service work under s. 973.03;_

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

8 303.08 (1) (c) Conducting any self-employed occupation including
9 housekeeping and attending the needs of the person's family;_

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

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

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

13 303.08 (1) (cn) Attending court proceedings to which the person is a party or
14 for which the person has been subpoenaed as a witness;_

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

16 303.08 (1) (d) Attendance at an educational institution;_or_

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

18 303.08 (1) (f) Obtaining counseling or therapy from an approved public
19 treatment facility, as defined in s. 51.45 (2) (c), an approved private treatment
20 facility, as defined in s. 51.45 (2) (b), a psychiatrist, a psychologist, a licensed clinical
21 social worker, a professional counselor licensed under ch. 457, or a certified

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1 independent or advanced practice social worker who is authorized to practice
2 psychotherapy under ch. 457.

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

4 303.08 (1) (g) Attending an assessment for the purpose of determining the
5 person's need for counseling or therapy under par. (f).

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

7 303.08 (1) (h) Attending a parenting education program.

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

9 303.08 (1) (i) Meeting with the person's probation, extended supervision, or
10 parole officer.

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

12 303.08 (14) In counties having a population of 500,000 or more, a prisoner
13 granted the privilege authorized under sub. (1) (a) to (d) or (f) to (i) shall be committed
14 to the county jail or any other facility for the housing of prisoners as determined by
15 ordinance by the county board.

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

17 973.09 (4) (a) The court may also require as a condition of probation that the
18 probationer be confined during such period of the term of probation as the court
19 prescribes, but not to exceed one year. The court may grant the privilege of leaving
20 the county jail, Huber facility, work camp, or tribal jail during the hours or periods
21 of employment or other activity under s. 303.08 (1) ~~(a) to (e)~~ while confined under this
22 subsection. The court may specify the necessary and reasonable hours or periods
23 during which the probationer may leave the jail, Huber facility, work camp, or tribal
24 jail or the court may delegate that authority to the sheriff. In those counties without
25 a Huber facility under s. 303.09, a work camp under s. 303.10, or an agreement under

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1 s. 302.445, the probationer shall be confined in the county jail. In those counties with
2 a Huber facility under s. 303.09, the sheriff shall determine whether confinement
3 under this subsection is to be in that facility or in the county jail. In those counties
4 with a work camp under s. 303.10, the sheriff shall determine whether confinement
5 is to be in the work camp or the county jail. The sheriff may transfer persons confined
6 under this subsection between a Huber facility or a work camp and the county jail.
7 In those counties with an agreement under s. 302.445, the sheriff shall determine
8 whether a person who is confined under this subsection but who is not subject to an
9 order under par. (b) is to be confined in the tribal jail or the county jail, unless
10 otherwise provided under the agreement. In those counties, the sheriff may transfer
11 persons confined under this subsection between a tribal jail and a county jail, unless
12 otherwise provided under the agreement.

13 (END)