

2005 ASSEMBLY BILL 1134

March 21, 2006 – Introduced by Representatives BERCEAU, ALBERS and KREUSER, cosponsored by Senators MILLER and RISSER. Referred to Committee on Criminal Justice and Homeland Security.

1 AN ACT *to amend* 973.195 (1g) of the statutes; **relating to:** adjusting prison
2 sentences for misdemeanors.

Analysis by the Legislative Reference Bureau

A person sentenced to a term of confinement for a misdemeanor (a crime for which the maximum term of confinement is one year or less) generally serves the term of confinement in a county jail or house of correction. However, a person serving a sentence for a felony in addition to a misdemeanor generally serves the sentence for the misdemeanor in prison, regardless of whether the sentences run concurrently or consecutively. Also, a person serving a sentence for a misdemeanor that has been lengthened to more than one year due to application of a penalty enhancement statute (for example, for a repeat offender) serves the sentence in prison. All sentences to prison consist of a term of confinement in prison followed by a term of extended supervision.

Current law also provides a process by which a person serving a sentence for a Class C to a Class I felony may petition the court for a sentence adjustment under which the remainder of the term of confinement portion of the sentence is converted to time on extended supervision. A person serving a sentence for a Class C to a Class E felony may petition for adjustment after serving 85 percent of the term of confinement and a person serving a Class F to a Class I felony may petition after serving 75 percent of the term of confinement. The sentence adjustment process does not apply to misdemeanor sentences.

This bill provides that a person serving a term of confinement in prison for a misdemeanor may petition for sentence adjustment after serving 75 percent of the term of confinement.

