



**2007 DRAFTING REQUEST**

**Bill**

Received: **01/08/2007**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Steinmetz**

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

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**Pre Topic:**

DOA:.....Steinmetz, BB0304 -

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**Topic:**

Earned Release Review Commission

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 01/18/2007	*		_____			
/P1	phurley 01/24/2007	kfollett 01/24/2007	pgreensl 01/24/2007	_____	cduerst 01/24/2007		
	phurley 01/25/2007	kfollett 01/25/2007		_____			
/P2	phurley 01/26/2007	kfollett 01/26/2007	sherritz 01/26/2007	_____	sbasford 01/26/2007		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	phurley 01/29/2007	kfollett 01/29/2007	nmatzke 01/26/2007	_____	cdurst 01/28/2007		
/1	phurley 01/30/2007	kfollett 01/30/2007	pgreensl 01/29/2007	_____	mbarman 01/29/2007		
/2			rschluet 01/30/2007	_____	sbasford 01/30/2007		

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1/29/07

By [Signature] P8M

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

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nmatzke \_\_\_\_\_  
01/26/2007 \_\_\_\_\_

cduerst  
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/P2		<i>1/25/07</i> <i>1/26</i>	sherritz 01/26/2007	_____	sbasford 01/26/2007		
			<i>nwn</i> <i>1/26</i>	<i>nwn/rs</i> <i>1/26</i>			

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Instructions:

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1P2 kjf  
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sh/rs  
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**Topic:**

Earned Release Board

*Review  
Commission*

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**Instructions:**

See Attached

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phurley

*1/11/07  
1/2/07*

*by ps*

*by ps mw*

<END>

FE Sent For:

## 2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Earned Release
- Tracking Code: BB0304
- SBO team: General Government and Justice
- SBO analyst: Jana Steinmetz
  - Phone: 266-2213
  - Email: Jana.Steinmetz@Wisconsin.gov
- Agency acronym: DOC
- Agency number: 410
- Priority (Low, Medium, High): Medium

FY07-09 Biennial Budget  
Statutory Language Request

Agency: Department of Corrections

Topic: Earned Release

Contact: Jana Steinmetz  
266-2213

Current Language

Current language in chapter 304 outlines parole and the duties of the Parole Commission.

Current language at s. 973.195 outlines sentence adjustment for inmates serving a bifurcated sentence.

Proposed Change

Recreate the Parole Commission as the Earned Release Board. The Earned Release Board would have all of the powers and duties of the Parole Commission, as well as new duties related to certain offenders serving bifurcated sentences.

Inmates serving a bifurcated sentence for a Class F to I felony would be eligible for release to extended supervision after serving 75% of their prison term. The Earned Release Board would make the determination in the manner used for parole.

Offenders on probation or serving a bifurcated sentence for a Class F to I felony would be eligible to have their supervision ended after serving 75% of the sentence. The Earned Release Board would make the determination.

Desired effective date: Upon passage of the bill

**Hurley, Peggy**

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**From:** Steinmetz, Jana D - DOA  
**Sent:** Friday, January 12, 2007 10:01 AM  
**To:** Hanaman, Cathlene; Hurley, Peggy  
**Subject:** FW: Sentencing Adjustment Review Board.doc  
**Attachments:** Sentencing Adjustment Review Board.doc

Is either of you working on the draft related to the Earned Release Board in DOC and sentence adjustment for Class F to I felonies? Attached is a proposal DOC put together on their vision of how this might work.

Let me know if you have any questions or concerns.

Thanks,

Jana

---

**From:** Crawford, Susan - DOC  
**Sent:** Thursday, January 11, 2007 11:45 AM  
**To:** Steinmetz, Jana D - DOA  
**Subject:** Sentencing Adjustment Review Board.doc

Jana,

This is a write-up for the sentence adjustment process that includes some additional specifics for the stat language and justification for the proposal. I'll bring copies to the meeting this afternoon.

Susan

<<Sentencing Adjustment Review Board.doc>>

## Sentencing Adjustment Review Board

### Background / Current Law

- Inmates serving sentences for class F through I felonies may petition the circuit court for an adjustment of sentence when they have served 75% of the confinement time on the original sentence. Inmates serving sentences for class C through E felonies may similarly petition for adjustment of sentence when they have served 85% of the confinement time. See Wis. Stat. § 973.195.
- Petitions are filed with the sentencing court. Inmate may file only one petition per sentence.
- The number of petitions filed has increased steeply in the past several years, from 330 in CY03, to 711 in CY04, to 874 in CY05, to **1,054** in CY06. The number of petitions *granted* has increased from 10 (3.0%) in CY03 to 197 (18.7%) in CY06
- There are inconsistencies from county to county in the way courts have handled these petitions. For example, in CY06 Milwaukee County judges denied all 153 petitions filed (0% granted), while Rock County judges granted 24 of 36 petitions filed (67%).

### Proposal

- Offenders currently eligible to petition for sentence adjustment at 75% of confinement time served (Class F through Class I felonies) would be allowed to file a petition for sentence adjustment with an administrative Sentence Adjustment Review Board.
- The current Parole Commission would be cross-designated as the ~~Sentence Adjustment Review Board~~ *Carnal Release*
- Grounds for granting petition
  - Allow Board to adjust sentence based on rehabilitation, deportation grounds as permitted under current law.
  - Petitions for adjustments based on change in law would remain in circuit court.
  - Board would not be authorized to adjust sentence based on "interests of justice." Current statute permits sentencing court to adjust sentence when in "interests of justice," which reflects court's broad discretion in sentencing. This is not an appropriate basis for later sentence adjustment by an administrative body.
- Notice requirements:
  - Require petition to be served on the **DA** if it is not immediately denied by the Board. Include time for response by DA.
  - Require that notice of the petition be given to registered crime **victims** and time for response.
  - Require that the petition be served on the **sentencing court** and time for response.
  - See § 304.06(1)(c) – parole applications require similar notices.

- Allow inmate to file a petition for sentence adjustment up to 90 days in advance of serving 75% of confinement time.
- Allow Board to reduce term of confinement by the amount remaining on the sentence, not to exceed 25% of confinement time, with a corresponding increase in extended supervision time.
- Allow inmates to file only one petition for sentence adjustment, per sentence.
- The Board would not be authorized to reduce revocation time under this proposal.
- Give the Board discretion to determine if a hearing is necessary on the petition and permit the Board to deny or grant a petition based on a file review.
- Authorize the Board to request and receive information from DOC relating to inmate's institutional adjustment.
- Specify that orders of the Board on petitions for sentence adjustment are subject to judicial review in the circuit court of the county of conviction.

Rationale/Justification:

- Relieves court congestion. The number of petitions filed annually has tripled since 2003 and is likely to continue to increase.
- Takes advantage of the expertise of current Parole Commission, whose case loads have been declining due to TIS, and the Commission's proximity to the DOC.
- Eliminates disparities in the way different counties treat these petitions by having a single administrative body reviewing all petitions. The principal ground for adjusting a sentence is the inmates' "conduct, efforts at and progress in rehabilitation, or participation and progress in education, treatment, or other correctional programs since he or she was sentenced." A centralized administrative agency would have a greater ability to assess institutional success and ensure consistent application of the grounds for adjustment.
- Clarifies DA role. Case law interprets current statute as allowing a circuit court to accept or reject objection of DA, rather than giving DA a "veto" role. See *State v. Stenklyft*, 2005 WI 71. This proposal would clarify statutory language to reflect this interpretation.

## Hurley, Peggy

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**From:** Steinmetz, Jana D - DOA  
**Sent:** Monday, January 15, 2007 11:27 AM  
**To:** Hurley, Peggy; Hanaman, Cathlene  
**Subject:** FW: Sentencing Adjustment Review Board.doc

**Attachments:** Sentencing Adjustment Review Board.doc

I have some changes to this. Again, not sure if either of you is working on it, so I apologize for any confusion.

The Parole Commission should be cross-designated as the Earned Release Board (not the Sentence Adjustment Review Board).

The process should be as close to current law as possible. The change is that Class F to I felony offenders will petition the Earned Release Board for release to extended supervision (if they are inmates) and termination from supervision (if they are on probation or extended supervision).

Petitions would be based on the current law requirements for making a petition. Petition based on a change in law would remain with the court. If the DA and/or the victim object, the petition is not approved.

I hope this helps clarify at least some of this.

Thanks,  
Jana

---

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Sentencing  
Adjustment Review B.



Today

Soft some out of order

Fix request sheet

Review Board Commission

DOA:.....Steinmetz, BB0304 - Earned Release Board Commission

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

1-27-07

1 AN ACT ...; relating to: the budget

Analysis by the Legislative Reference Bureau

CORRECTIONS

ADULT CORRECTIONAL SYSTEM

Currently, the parole commission in DOC determines whether, and under what conditions, certain inmates may be released from imprisonment to parole. However, a person who is sentenced to a bifurcated sentence for a Class C to Class I felony may petition the sentencing court to adjust his or her sentence and release the person from prison to extended supervision if he or she has served 85% (for Class C to E felonies) or 75% (for Class F to I felonies) of the confinement in prison portion of the sentence. Under current law, a person who is released to extended supervision must serve his or her entire sentence before extended supervision terminates.

Under this bill, the parole commission is renamed the earned release review board. In addition to its duties under current law, the earned release review board may release to extended supervision a prisoner who was sentenced to a bifurcated sentence for a Class F to I felony if the prisoner has served 75% of the confinement in prison portion of the sentence and may terminate the extended supervision of a prisoner who was sentenced to a bifurcated sentence for a Class F to I felony if the prisoner has served 75% of the extended supervision portion of the sentence.

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

1           **SECTION 1.** 15.01 (2) of the statutes is amended to read:

2           15.01 (2) “Commission” means a 3-member governing body in charge of a  
3 department or independent agency or of a division or other subunit within a  
4 department, except for the Wisconsin waterways commission which shall consist of  
5 5 members and the parole earned release review commission which shall consist of  
6 8 members. A Wisconsin group created for participation in a continuing interstate  
7 body, or the interstate body itself, shall be known as a “commission”, but is not a  
8 commission for purposes of s. 15.06. The parole earned release review commission  
9 created under s. 15.145 (1) shall be known as a “commission”, but is not a commission  
10 for purposes of s. 15.06. The sentencing commission created under s. 15.105 (27)  
11 shall be known as a “commission” but is not a commission for purposes of s. 15.06 (1)  
12 to (4m), (7), and (9).

History: 1977 c. 29, 274; 1979 c. 34; 1983 a. 27, 189, 371, 410, 538; 1985 a. 29, 120, 180; 1987 s. 27, 342, 399; 1989 a. 31, 107, 202; 1991 a. 39, 269, 315; 1993 a. 16, 107, 210, 215; 1995 a. 27 ss. 74 and 9145 (1); 1995 a. 442, 462; 1997 a. 27, 237; 2001 a. 16, 105, 109; 2005 a. 25, 421.

13           **SECTION 2.** 15.06 (6) of the statutes is amended to read:

14           15.06 (6) QUORUM. A majority of the membership of a commission constitutes  
15 a quorum to do business, except that vacancies shall not prevent a commission from  
16 doing business. This subsection does not apply to the parole earned release review  
17 commission.

History: 1971 c. 193, 307; 1977 c. 29, 196, 274; 1981 c. 347; 1983 a. 27, 371, 410, 538; 1985 a. 29; 1987 a. 27, 403; 1989 a. 31; 1991 a. 39, 269, 316; 1993 a. 16, 123; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2003 a. 33; 2005, a. 149.

18           **SECTION 3.** 15.105 (27) (b) of the statutes is amended to read:

19           15.105 (27) (b) *Nonvoting members.* The secretary of corrections or his or her  
20 designee, the chairperson of the parole earned release review commission or his or  
21 her designee, and the director of state courts or his or her designee shall be nonvoting  
22 members of the commission.

History: 1971 c. 40, 164, 270; 1973 c. 90, 333; 1975 c. 397; 1977 c. 29 s. 1649; 1977 c. 196 ss. 9, 10; 1977 c. 325, 392, 396, 418, 447; 1981 c. 20, 62, 182, 350, 374; 1983 a. 27, 91; 1983 a. 192 s. 303 (7); 1983 a. 371; 1985 a. 29 ss. 68 to 70, 87, 3202 (27); 1985 a. 180 s. 30m; 1987 a. 27, 142; 1987 a. 147 s. 25; 1987 a. 204, 342; 1989 a. 31, 56, 107, 345; 1991 a. 212, 269; 1993 a. 75, 246, 349, 437, 465, 491; 1995 a. 27 ss. 79 to 118p, 9116 (5), 9126 (19); 1995 a. 221, 225; 1997 a. 3; 1997 a. 27 ss. 51 to 53, 9456 (3m); 1997 a. 247; 1999 a. 9, 105, 185; 2001 a. 16 ss. 139, 174, 109; 2003 a. 33 ss. 87s to 97d, 115, 2811, 9160; 2003 a. 48 ss. 10, 11; 2003 a. 171; 2003 a. 206 s. 23; 2005 a. 25 ss. 47, 48, 2493; 2005 a. 253.

1 SECTION 4. 15.145 (1) of the statutes is amended to read:

2 15.145 (1) PAROLE EARNED RELEASE REVIEW COMMISSION. There is created in the  
3 department of corrections ~~a parole~~ <sup>an</sup> earned release review commission consisting of  
4 8 members. Members shall have knowledge of or experience in corrections or  
5 criminal justice. The members shall include a chairperson who is nominated by the  
6 governor, and with the advice and consent of the senate appointed, for a 2-year term  
7 expiring March 1 of the odd-numbered years, subject to removal under s. 17.07 (3m),  
8 and the remaining members in the classified service appointed by the chairperson.

History: 1989 a. 107 ss. 4, 5m; 1989 a. 121; 1993 a. 399; 1997 a. 27, 237; 2001 a. 16, 96; 2005 a. 234.

9 SECTION 5. 17.07 (3m) of the statutes is amended to read:

10 17.07 (3m) Notwithstanding sub. (3), the parole earned release review  
11 commission chairperson may be removed by the governor, at pleasure.

History: 1971 c. 211; 1977 c. 196 s. 131; 1979 c. 221; 1987 a. 63; 1989 a. 121; 1991 a. 32; 1995 a. 27.

12 SECTION 6. 20.410 (2) (a) of the statutes is amended to read:

13 20.410 (2) PAROLE EARNED RELEASE REVIEW COMMISSION. (a) General program  
14 operations. The amounts in the schedule for the general program operations of the  
15 parole earned release review commission.

note: bud

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 16; 2003 a. 33; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; s. 13.93 (1) (b).

16 SECTION 7. 20.410 (2) (a) of the statutes is amended to read:

17 20.410 (2) (a) General program operations. The amounts in the schedule for  
18 the general program operations of the parole earned release review commission.

ups: stays in

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 16; 2003 a. 33; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; s. 13.93 (1) (b).

19 SECTION 8. 20.923 (4) (b) 6. of the statutes is amended to read:

20 20.923 (4) (b) 6. Parole earned release review commission: chairperson.

History: 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237; 1999 a. 9, 42, 102, 186; 2001 a. 16, 19, 29, 109; 2003 a. 33 ss. 721 to 735m, 9160; 2003 a. 91, 320; 2005 a. 25.

21 SECTION 9. 230.08 (2) (pd) of the statutes is amended to read:

1           230.08 (2) (pd) The chairperson of the parole earned release review<sup>✓</sup>  
2           commission.

**History:** 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109; 2003 a. 33 ss. 2392 to 2407b, 9160; 2003 a. 91, 326; 2005 a. 22, 25.

3           **SECTION 10.** 230.337 of the statutes is amended to read:

4           **230.337 Rights of employees: corrections or parole.** If any incumbent  
5           member of the parole board in the office of the secretary of health and family services  
6           on January 1, 1990, in a classified position is not appointed to the parole earned<sup>✓</sup>  
7           release review commission created by 1989 Wisconsin Act 31, or if the incumbent  
8           member is appointed to the commission and subsequently terminated for any reason  
9           except just cause, the incumbent member shall have restoration rights and  
10          reinstatement privileges, including the right of displacement if necessary, to a  
11          position having a comparable or lower pay rate or range for which the person is  
12          qualified which is within the department of corrections, as created by 1989 Wisconsin  
13          Act 31, or the department of health and family services. In the case of termination,  
14          the incumbent shall have 90 days after notice of termination to exercise the rights  
15          and privileges. The rights and privileges granted under this subsection are subject  
16          to the terms of any collective bargaining agreement that covers the incumbent parole  
17          board members.

**History:** 1989 a. 31, 107; 1995 a. 27 s. 9126 (19); 2005 a. 145.

18          **SECTION 11.** 301.03 (3) of the statutes is amended to read:

19          301.03 (3) Administer parole, extended supervision and probation matters,  
20          except that the decision to grant or deny parole or to grant or terminate extended  
21          supervision under s. 304.06 (1) (b) <sup>✓</sup> to inmates shall be made by the parole earned<sup>✓</sup>  
22          release review commission and the decision to revoke probation, extended  
23          supervision or parole in cases in which there is no waiver of the right to a hearing

1 shall be made by the division of hearings and appeals in the department of  
2 administration. The secretary may grant special action parole releases under s.  
3 304.02. The department shall promulgate rules establishing a drug testing program  
4 for probationers, parolees and persons placed on extended supervision. The rules  
5 shall provide for assessment of fees upon probationers, parolees and persons placed  
6 on extended supervision to partially offset the costs of the program.

**History:** 1989 a. 31, 107, 121, 188, 336; 1991 a. 39; 1993 a. 16, 377, 479; 1995 a. 27 ss. 6355, 6356m, 6356p, 9126 (19); 1995 a. 77, 141; 1997 a. 27, 35, 237, 275, 283, 284; 1999 a. 9, 32; 2001 a. 16, 109; 2003 a. 321; 2005 a. 344, 431, 434, 451; s. 13.93 (1)(b) and (2) (c).

7 **SECTION 12.** 301.0465 (3) (a) 4. of the statutes is amended to read:

8 301.0465 (3) (a) 4. He or she is serving an indeterminate sentence and the  
9 parole earned release review commission has authorized his or her release on parole  
10 within the next 6 months.

**History:** 2003 a. 33.

11 **SECTION 13.** 301.048 (2) (am) 3. of the statutes is amended to read:

12 301.048 (2) (am) 3. The parole earned release review commission grants him  
13 or her parole under s. 304.06 and requires his or her participation in the program as  
14 a condition of parole under s. 304.06 (1x).

**History:** 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283; 1999 a. 9; 2001 a. 109; 2005 a. 277.

15 **SECTION 14.** 301.21 (1m) (c) of the statutes is amended to read:

16 301.21 (1m) (c) Any hearing to consider parole to which an inmate confined  
17 under this contract may be entitled by the laws of Wisconsin will be conducted by the  
18 Wisconsin parole earned release review commission under rules of the department.

**History:** 1981 c. 20; 1983 a. 27; 1989 a. 31 s. 965; Stats. 1989 s. 301.21; 1995 a. 344; 1997 a. 27, 283.

19 **SECTION 15.** 301.21 (2m) (c) of the statutes is amended to read:

20 301.21 (2m) (c) Any hearing to consider parole or whether to grant or terminate  
21 extended supervision, if the prisoner is sentenced under s. 973.01 for a <sup>class</sup> ~~F~~ to <sup>a class</sup> ~~I~~ felony,  
22 to which a prisoner confined under a contract under this subsection may be entitled

1 by the laws of Wisconsin shall be conducted by the Wisconsin parole earned release ✓  
 2 review commission under rules of the department.

3 History: 1981 c. 20; 1983 a. 27; 1989 a. 31 s. 965; Stats. 1989 s. 301.21; 1995 a. 344; 1997 a. 27, 283.

3 **SECTION 16.** 302.045 (3) of the statutes is amended to read:

4 302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department  
 5 determines that an inmate serving a sentence other than one imposed under s.  
 6 973.01 has successfully completed the challenge incarceration program, the parole  
 7 earned release review ✓ commission shall parole the inmate for that sentence under  
 8 s. 304.06, regardless of the time the inmate has served. When the parole earned ✓  
 9 release review commission grants parole under this subsection, it must require the  
 10 parolee to participate in an intensive supervision program for drug abusers as a  
 11 condition of parole.

12 History: 1989 a. 122; 1991 a. 39; 1993 a. 218, 227, 491; 1995 a. 456; 1997 a. 283; 2001 a. 109; 2003 a. 33; 2005 a. 277.

12 **SECTION 17.** 302.05 (3) (b) of the statutes is amended to read:

13 302.05 (3) (b) Except as provided in par. (d), if the department determines that  
 14 an eligible inmate serving a sentence other than one imposed under s. 973.01 has  
 15 successfully completed a treatment program described in sub. (1), the parole earned ✓  
 16 release review commission shall parole the inmate for that sentence under s. 304.06,  
 17 regardless of the time the inmate has served. If the parole earned release review ✓  
 18 commission grants parole under this paragraph, it shall require the parolee to  
 19 participate in an intensive supervision program for drug abusers as a condition of  
 20 parole.

21 History: 1989 a. 31; 1995 a. 27 s. 9126 (19); 2003 a. 33; 2005 a. 25, 277.

21 **SECTION 18.** 302.11 (1g) (b) (intro) of the statutes is amended to read:

22 302.11 (1g) (b) (intro.)  
 23 Before an incarcerated inmate with a presumptive mandatory  
 24 release date reaches the presumptive mandatory release date specified under par.  
 (am), the parole earned release review ✓ commission shall proceed under s. 304.06 (1)

1 to consider whether to deny presumptive mandatory release to the inmate. If the  
2 parole earned release review commission does not deny presumptive mandatory  
3 release, the inmate shall be released on parole. The parole earned release review  
4 commission may deny presumptive mandatory release to an inmate only on one or  
5 more of the following grounds:

6 **SECTION 19.** 302.11 (1g) (b) 2. of the statutes is amended to read:

7 302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or  
8 treatment that the social service and clinical staff of the institution determines is  
9 necessary for the inmate, including pharmacological treatment using an  
10 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious  
11 child sex offender as defined in s. 304.06 (1q) (a). The parole earned release review  
12 commission may not deny presumptive mandatory release to an inmate because of  
13 the inmate's refusal to participate in a rehabilitation program under s. 301.047.

**History:** 1977 c. 266, 353; 1979 c. 221; 1981 c. 266; 1983 a. 66, 528; 1985 a. 27; 1985 a. 332 s. 251 (1); 1987 a. 27, 412; 1989 a. 31 ss. 1629, 1630; Stats. s. 302.11; 1989  
a. 107; 1991 a. 39; 1993 a. 79, 97, 194, 289, 483; 1995 a. 77, 448; 1997 a. 133, 275, 283, 284, 295, 326; 1999 a. 188; 2001 a. 16, 109; 2005 a. 344.

14 **SECTION 20.** 302.11 (1g) (c) of the statutes is amended to read:

15 302.11 (1g) (c) If the parole earned release review commission denies  
16 presumptive mandatory release to an inmate under par. (b), the parole earned  
17 release review commission shall schedule regular reviews of the inmate's case to  
18 consider whether to parole the inmate under s. 304.06 (1).

**History:** 1977 c. 266, 353; 1979 c. 221; 1981 c. 266; 1983 a. 66, 528; 1985 a. 27; 1985 a. 332 s. 251 (1); 1987 a. 27, 412; 1989 a. 31 ss. 1629, 1630; Stats. s. 302.11; 1989  
a. 107; 1991 a. 39; 1993 a. 79, 97, 194, 289, 483; 1995 a. 77, 448; 1997 a. 133, 275, 283, 284, 295, 326; 1999 a. 188; 2001 a. 16, 109; 2005 a. 344.

19 **SECTION 21.** 302.11 (1g) (d) of the statutes is amended to read:

20 302.11 (1g) (d) An inmate may seek review of a decision by the parole earned  
21 release review commission relating to the denial of presumptive mandatory release  
22 only by the common law writ of certiorari.

**History:** 1977 c. 266, 353; 1979 c. 221; 1981 c. 266; 1983 a. 66, 528; 1985 a. 27; 1985 a. 332 s. 251 (1); 1987 a. 27, 412; 1989 a. 31 ss. 1629, 1630; Stats. s. 302.11; 1989  
a. 107; 1991 a. 39; 1993 a. 79, 97, 194, 289, 483; 1995 a. 77, 448; 1997 a. 133, 275, 283, 284, 295, 326; 1999 a. 188; 2001 a. 16, 109; 2005 a. 344.

23 **SECTION 22.** 302.11 (1m) of the statutes is amended to read:

1           302.11 (1m) An inmate serving a life term is not entitled to mandatory release.  
2           Except as provided in ss. 939.62 (2m) (c) and 973.014, the parole earned release  
3           review commission may parole the inmate as specified in s. 304.06 (1).

History: 1977 c. 266, 353; 1979 c. 221; 1981 c. 266; 1983 a. 66, 528; 1985 a. 27; 1985 a. 332 s. 251 (1); 1987 a. 27, 412; 1989 a. 31 ss. 1629, 1630; Stats. s. 302.11; 1989 a. 107; 1991 a. 39; 1993 a. 79, 97, 194, 289, 483; 1995 a. 77, 448; 1997 a. 133, 275, 283, 284, 295, 326; 1999 a. 188; 2001 a. 16, 109; 2005 a. 344.

4           **SECTION 23.** 302.11 (7) (c) of the statutes is amended to read:

5           302.11 (7) (c) The parole earned release review commission may subsequently  
6           parole, under s. 304.06 (1), and the department may subsequently parole, under s.  
7           304.02, a parolee who is returned to prison for violation of a condition of parole.

History: 1977 c. 266, 353; 1979 c. 221; 1981 c. 266; 1983 a. 66, 528; 1985 a. 27; 1985 a. 332 s. 251 (1); 1987 a. 27, 412; 1989 a. 31 ss. 1629, 1630; Stats. s. 302.11; 1989 a. 107; 1991 a. 39; 1993 a. 79, 97, 194, 289, 483; 1995 a. 77, 448; 1997 a. 133, 275, 283, 284, 295, 326; 1999 a. 188; 2001 a. 16, 109; 2005 a. 344.

8           **SECTION 24.** 302.113 (2) of the statutes is amended to read:

9           302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this  
10          section is entitled to release to extended supervision after he or she has served the  
11          term of confinement in prison portion of the sentence imposed under s. 973.01, as  
12          modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3)  
13          (c) 2. a., or 973.195 (1r), if applicable, or as adjusted by the earned release review  
14          commission under s. 304.06 (1) (b).

History: 1997 a. 283; 2001 a. 16, 109; 2003 a. 33; 2005 a. 42.

15          **SECTION 25.** 302.113 (7m) (a) of the statutes is amended to read:

16          302.113 (7m) (a) Except as provided in par. (e), a person subject to this section  
17          or the department may petition the sentencing court, or if the person is eligible for  
18          a sentence adjustment under s. 304.06 (1) (b), may petition the earned release review  
19          commission, to modify any conditions of extended supervision set by the court or the  
20          earned release review commission.

History: 1997 a. 283; 2001 a. 16, 109; 2003 a. 33; 2005 a. 42.

21          **SECTION 26.** 302.113 (7m) (b) of the statutes is amended to read:

22          302.113 (7m) (b) If the department files a petition under this subsection, it  
23          shall serve a copy of the petition on the person who is the subject of the petition and,



1 if the person is represented by an attorney, on the person's attorney. If a person who  
2 is subject to this section or his or her attorney files a petition under this subsection,  
3 the person or his or her attorney shall serve a copy of the petition on the department.  
4 The court or earned release review commission shall serve a copy of a petition filed  
5 under this section on the district attorney. The court or earned release review  
6 commission may direct the clerk of the court to provide notice of the petition to a  
7 victim of a crime committed by the person who is the subject of the petition.

8 History: 1997 a. 283; 2001 a. 16, 109; 2003 a. 33; 2005 a. 42.

8 **SECTION 27.** 302.113 (7m) (c) of the statutes is amended to read:

9 302.113 (7m) (c) The court or earned release review commission may conduct  
10 a hearing to consider the petition. The court or earned release review commission  
11 may grant the petition in full or in part if it determines that the modification would  
12 meet the needs of the department and the public and would be consistent with the  
13 objectives of the person's sentence.

14 History: 1997 a. 283; 2001 a. 16, 109; 2003 a. 33; 2005 a. 42.

14 **SECTION 28.** 302.113 (7m) (e) 1. of the statutes is amended to read:

15 302.113 (7m) (e) 1. An inmate may not petition the court or earned release  
16 review commission to modify the conditions of extended supervision earlier than one  
17 year before the date of the inmate's scheduled date of release to extended supervision  
18 or more than once before the inmate's release to extended supervision.

19 History: 1997 a. 283; 2001 a. 16, 109; 2003 a. 33; 2005 a. 42.

19 **SECTION 29.** 302.113 (7m) (e) 2. of the statutes is amended to read:

20 302.113 (7m) (e) 2. A person subject to this section may not petition the court  
21 or earned release review commission to modify the conditions of extended  
22 supervision within one year after the inmate's release to extended supervision. If a  
23 person subject to this section files a petition authorized by this subsection after his

1 or her release from confinement, the person may not file another petition until one  
2 year after the date of filing the former petition.

3 History: 1997 a. 283; 2001 a. 16, 109; 2003 a. 33; 2005 a. 42.

3 SECTION 30. 304.01 (title) of the statutes is amended to read:

4 304.01 (title) Parole Earned release review commission and  
5 commission chairperson; general duties.

6 History: 1989 a. 31; 1995 a. 27 s. 9126 (19).

6 SECTION 31. 304.01 (1) of the statutes is amended to read:

7 304.01 (1) The chairperson of the parole earned release review commission  
8 shall administer and supervise the commission and its activities and shall be the  
9 final parole granting authority for granting parole, release to extended supervision,  
10 or termination of extended supervision, except as provided in s. 304.02 or s. 973.195.

11 History: 1989 a. 31; 1995 a. 27 s. 9126 (19).

11 SECTION 32. 973.01 (7) of the statutes is amended to read:

12 973.01 (7) NO DISCHARGE. The department of corrections may not discharge a  
13 person who is serving a bifurcated sentence from custody, control and supervision  
14 until the person has served the entire bifurcated sentence, except as provided in s.  
15 304.06 (1) (b).

16 History: 1997 a. 283; 2001 a. 109; 2003 a. 33; 2005 a. 277.

16 SECTION 33. 304.01 (2) (intro.) of the statutes is amended to read:

17 304.01 (2) (intro.) The parole earned release review commission shall conduct  
18 regularly scheduled interviews to consider the parole or release to extended  
19 supervision of eligible inmates of the adult correctional institutions under the  
20 control of the department of corrections, eligible inmates transferred under ch. 51  
21 and under the control of the department of health and family services and eligible  
22 inmates in any county house of correction. The department of corrections shall  
23 provide all of the following to the parole earned release review commission:

History: 1989 a. 31; 1995 a. 27 s. 9126 (19).

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1           **SECTION 34.** 304.01 (2) (b) of the statutes is amended to read:

2           304.01 (2) (b) Scheduling assistance for parole interviews for prisoners who  
3           have applied for parole or release to extended supervision at the correctional  
4           institutions.

5           History: 1989 a. 31; 1995 a. 27 s. 9126 (19).

6           **SECTION 35.** 304.01 (2) (c) of the statutes is amended to read:

7           304.01 (2) (c) Clerical support related to the parole interviews for prisoners who  
8           have applied for parole or release to extended supervision.

9           History: 1989 a. 31; 1995 a. 27 s. 9126 (19).

10          **SECTION 36.** 304.01 (2) (d) of the statutes is amended to read:

11          304.01 (2) (d) Appropriate physical space at the correctional institutions to  
12          conduct the parole interviews for prisoners who have applied for parole or release to  
13          extended supervision.

14          History: 1989 a. 31; 1995 a. 27 s. 9126 (19).

15          **SECTION 37.** 304.06 (title) of the statutes is amended to read:

16          **304.06 (title) Paroles Release to parole or extended supervision from**  
17          **state prisons and house of correction; termination of extended supervision.**

18          History: 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987  
19          a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995  
20          a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

21          **SECTION 38.** 304.06 (1) (b) of the statutes is amended to read:

22          304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.  
23          302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the parole earned release review  
24          commission may parole an inmate of the Wisconsin state prisons or any felon or any  
25          person serving at least one year or more in a county house of correction or a county  
26          reforestation camp organized under s. 303.07, when he or she has served 25% of the  
27          sentence imposed for the offense, or 6 months, whichever is greater. The earned  
28          release review board may release to extended supervision a person sentenced under  
29          s. 973.01 for a Class F to I felony after the person has served at least 75% of the term

*percent*

*a Class*

1 of confinement in prison portion of the sentence, and may terminate extended  
 2 supervision of a person sentenced under s. 973.01 for a Class F to  
 3 person has completed 75% of his or her extended supervision portion of the sentence.  
 4 Except as provided in s. 939.62 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole  
 5 earned release review commission may parole an inmate serving a life term when he  
 6 or she has served 20 years, as modified by the formula under s. 302.11 (1) and subject  
 7 to extension under s. 302.11 (1q) and (2), if applicable. The person serving the life  
 8 term shall be given credit for time served prior to sentencing under s. 973.155,  
 9 including good time under s. 973.155 (4). The secretary may grant special action  
 10 parole releases under s. 304.02. The department or the parole earned release review  
 11 commission shall not provide any convicted offender or other person sentenced to the  
 12 department's custody any parole eligibility or evaluation for parole or release to  
 13 extended supervision until the person has been confined at least 60 days following  
 14 sentencing.

**History:** 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

15 **SECTION 39.** 304.06 (1) (c) (intro) of the statutes is amended to read:  
 16 304.06 (1) (c) <sup>(intro.)</sup> If an inmate applies for parole release to extended supervision,  
 17 or termination of extended supervision under this subsection, the parole earned  
 18 release review commission shall make a reasonable attempt to notify the following,  
 19 if they can be found, in accordance with par. (d):

**History:** 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

20 **SECTION 40.** 304.06 (1) (d) 1. of the statutes is amended to read:  
 21 304.06 (1) (d) 1. The notice under par. (c) shall inform the offices and persons  
 22 under par. (c) 1. to 3. of the manner in which they may provide written statements  
 23 under this subsection, shall inform persons under par. (c) 3. of the manner in which

1 they may attend interviews or hearings and make statements under par. (eg) and  
 2 shall inform persons under par. (c) 3. who are victims, or family members of victims,  
 3 of crimes specified in s. 940.01, 940.03, 940.05, 940.225 (1) or (2), or (3), 948.02 (1)  
 4 or (2), 948.025, 948.06 or 948.07 of the manner in which they may have direct input  
 5 in the ~~decision-making process under par. (em)~~ <sup>parote</sup> for ~~parole~~ <sup>plain</sup> release to extended  
 6 ~~supervision, or termination of extended supervision decision-making process under~~  
 7 ~~par. (em)~~ The parole earned release review commission shall provide notice under  
 8 this paragraph for an inmate's first application for parole release to extended  
 9 supervision, or termination of extended supervision and, upon request, for  
 10 subsequent applications for parole release to extended supervision, or termination  
 11 of extended supervision.

History: 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

**SECTION 41. 304.06 (1) (e) of the statutes is amended to read:**

13 304.06 (1) (e) The parole earned release review commission shall permit any  
 14 office or person under par. (c) 1. to 3. to provide written statements. The parole  
 15 earned release review commission shall give consideration to any written statements  
 16 provided by any such office or person and received on or before the date specified in  
 17 the notice. This paragraph does not limit the authority of the parole earned release  
 18 review commission to consider other statements or information that it receives in a  
 19 timely fashion.

History: 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

**SECTION 42. 304.06 (1) (eg) of the statutes is amended to read:**

21 304.06 (1) (eg) The parole earned release review commission shall permit any  
 22 person under par. (c) 3. to attend any interview or hearing on the application for  
 23 parole, release to extended supervision, or termination of extended supervision

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1 application of an applicable inmate and to make a statement at that interview or  
2 hearing.

History: 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

3 SECTION 43. 304.06 (1) (em) of the statutes is amended to read:

4 304.06 (1) (em) The parole earned release review commission shall promulgate  
5 rules that provide a procedure to allow any person who is a victim, or a family  
6 member of a victim, of a crime specified in s. 940.01, 940.03, 940.05, 940.225 (1) or

7 (2), or (3), 948.02 (1) or (2), 948.025, 948.06 or 948.07 to have direct input in the

8 decision-making process for parole, release to extended supervision, or termination

9 of extended supervision ~~decision-making process~~

History: 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

10 SECTION 44. 304.06 (1) (f) of the statutes is amended to read:

11 304.06 (1) (f) The parole earned release review commission shall design and  
12 prepare cards for persons specified in par. (c) 3. to send to the commission. The cards  
13 shall have space for these persons to provide their names and addresses, the name  
14 of the applicable prisoner and any other information the parole earned release  
15 review commission determines is necessary. The parole earned release review  
16 commission shall provide the cards, without charge, to district attorneys. District  
17 attorneys shall provide the cards, without charge, to persons specified in par. (c) 3.  
18 These persons may send completed cards to the parole earned release review  
19 commission. All commission records or portions of records that relate to mailing  
20 addresses of these persons are not subject to inspection or copying under s. 19.35 (1).

21 Before any written statement of a person specified in par. (c) 3. is made a part of the  
22 documentary record considered in connection with a hearing for parole, release to  
23 extended supervision, or termination of extended supervision hearing under this

parole  
↑  
vs. strike

plain

strike → parole plain

1 section, the ~~parole~~ earned release review commission shall obliterate from the  
2 statement all references to the mailing addresses of the person. A person specified  
3 in par. (c) 3. who attends an interview or hearing under par. (eg) may not be required  
4 to disclose at the interview or hearing his or her mailing addresses.

**History:** 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

5 **SECTION 45.** 304.06 (1) (g) of the statutes is amended to read:

6 304.06 (1) (g) Before a person is released on parole, released to extended  
7 supervision, or has his or her extended supervision terminated under this  
8 subsection, the ~~parole~~ earned release review commission shall so notify the  
9 municipal police department and the county sheriff for the area where the person  
10 will be residing. The notification requirement under this paragraph does not apply  
11 if a municipal department or county sheriff submits to the ~~parole~~ earned release  
12 review commission a written statement waiving the right to be notified. If  
13 applicable, the department shall also comply with s. 304.063.

**History:** 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

14 **SECTION 46.** 304.06 (1m) (intro) of the statutes is amended to read:

15 304.06 (1m) <sup>(intro.)</sup> The ~~parole~~ earned release review commission may waive the 25%  
16 or 6-month service of sentence requirement under sub. (1) (b) under any of the  
17 following circumstances:

**History:** 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

18 **SECTION 47.** 304.06 (1q) (b) of the statutes is amended to read:

19 304.06 (1q) (b) The ~~parole~~ earned release review commission or the department  
20 may require as a condition of parole, release to extended supervision, or termination  
21 of extended supervision that a serious child sex offender undergo pharmacological  
22 treatment using an antiandrogen or the chemical equivalent of an antiandrogen.

1 This paragraph does not prohibit the department from requiring pharmacological  
 2 treatment using an antiandrogen or the chemical equivalent of an antiandrogen as  
 3 a condition of probation.

**History:** 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

4 **SECTION 48.** 304.06 (1q) (c) of the statutes is amended to read:

5 304.06 (1q) (c) In deciding whether to grant a serious child sex offender release  
 6 on parole, release to extended supervision, or termination of extended supervision  
 7 under this subsection, the parole earned release review commission may not  
 8 consider, as a factor in making its decision, that the offender is a proper subject for  
 9 pharmacological treatment using an antiandrogen or the chemical equivalent of an  
 10 antiandrogen or that the offender is willing to participate in pharmacological  
 11 treatment using an antiandrogen or the chemical equivalent of an antiandrogen.

**History:** 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

12 **SECTION 49.** 304.06 (1x) of the statutes is amended to read:

13 304.06 (1x) The parole earned release review commission may require as a  
 14 condition of parole for release to extended supervision that the person is placed in the  
 15 intensive sanctions program under s. 301.048. In that case, the person is in the legal  
 16 custody of the department under that section and is subject to revocation of parole  
 17 or release to extended supervision under sub. (3).

**History:** 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

18 **SECTION 50.** 304.06 (2) of the statutes is amended to read:

19 304.06 (2) No prisoner under sub. (1) may be paroled, released to extended  
 20 supervision, or have his or her extended supervision terminated until the parole  
 21 earned release review commission is satisfied that the prisoner has adequate plans  
 22 for suitable employment or to otherwise sustain himself or herself. The prisoner who

paroled ← strike  
 prisoner  
 plan



1 is paroled or released to extended supervision prisoner shall report to the  
2 department in such manner and at such times as it requires.

**History:** 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

3 **SECTION 51.** 304.06 (2m) (d) of the statutes is amended to read:

4 304.06 (2m) (d) The parole earned release review commission or the  
5 department shall determine a prisoner's county of residence for the purposes of this  
6 subsection by doing all of the following:

7 1. The parole earned release review commission or the department shall  
8 consider residence as the voluntary concurrence of physical presence with intent to  
9 remain in a place of fixed habitation and shall consider physical presence as prima  
10 facie evidence of intent to remain.

11 2. The parole earned release review commission or the department shall apply  
12 the criteria for consideration of residence and physical presence under subd. 1. to the  
13 facts that existed on the date that the prisoner committed the serious sex offense that  
14 resulted in the sentence the prisoner is serving.

**History:** 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

15 **SECTION 52.** 304.06 (2m) (d) 1. of the statutes is amended to read:

16 304.06 (2m) (d) 1. The parole earned release review commission or the  
17 department shall consider residence as the voluntary concurrence of physical  
18 presence with intent to remain in a place of fixed habitation and shall consider  
19 physical presence as prima facie evidence of intent to remain.

**History:** 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

20 **SECTION 53.** 304.06 (2m) (d) 2. of the statutes is amended to read:

21 304.06 (2m) (d) 2. The parole earned release review commission or the  
22 department shall apply the criteria for consideration of residence and physical

1 presence under subd. 1. to the facts that existed on the date that the prisoner  
 2 committed the serious sex offense that resulted in the sentence the prisoner is  
 3 serving.

History: 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 42.

SECTION 54. 304.071 (1) of the statutes is amended to read:

304.071 (1) The parole earned release review commission may at any time grant a parole or release to extended supervision to any prisoner in any penal institution of this state, or the department may at any time suspend the supervision of any person who is on probation or parole extended supervision to the department, if the prisoner or person on probation or parole extended supervision is eligible for induction into the U.S. armed forces. The suspension of parole extended supervision or probation shall be for the duration of his or her service in the armed forces; and the parole extended supervision or probation shall again become effective upon his or her discharge from the armed forces in accordance with regulations prescribed by the department. If he or she receives an honorable discharge from the armed forces, the governor may discharge him or her and the discharge has the effect of a pardon. Upon the suspension of parole extended supervision or probation by the department, the department shall issue an order setting forth the conditions under which the parole extended supervision or probation is suspended, including instructions as to where and when and to whom the paroled person on parole or extended supervision shall report upon discharge from the armed forces.

History: 1989 a. 31 ss. 1702, 1703; Stats. 1989 s. 304.071; 1991 a. 39; 1993 a. 289; 1995 a. 48, 448; 1997 a. 283, 326; 1999 a. 32; 2001 a. 109.

SECTION 55. 950.04 (1v) (f) of the statutes is amended to read:

Sort out of order

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1 950.04 (1v) (f) To have the parole earned release review commission make a  
2 reasonable attempt to notify the victim of applications for parole, release to extended  
3 supervision, or termination of extended supervision, as provided under s. 304.06 (1).

History: 1979 c. 219; 1983 a. 102, 364; 1985 a. 311; 1987 a. 332 s. 64; 1989 a. 31; 1997 a. 181, 237, 283; 1999 a. 9, 32, 188; 2001 a. 16, 109; 2003 a. 224; 2005 a. 155, 277, 434, 447.

4 SECTION 56. 973.01 (4) of the statutes is amended to read:

5 973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A  
6 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of  
7 confinement in prison portion of the sentence without reduction for good behavior.  
8 The term of confinement in prison portion is subject to extension under s. 302.113 (3)  
9 and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g),  
10 304.06 (1) (b), or 973.195 (1r).

History: 1997 a. 283; 2001 a. 109; 2003 a. 33; 2005 a. 277.

11 SECTION 57. 973.195 (1g) of the statutes is repealed.

12 SECTION 58. 973.195 (1r) (a) of the statutes is amended to read:

13 973.195 (1r) (a) An inmate who is serving a sentence imposed under s. 973.01  
14 for a crime other than a Class B Class C to E Class felony may petition the sentencing court  
15 to adjust the sentence if the inmate has served at least the applicable percentage 85% Percent  
16 of the term of confinement in prison portion of the sentence. If an inmate is subject  
17 to more than one sentence imposed under this section, the sentences shall be treated  
18 individually for purposes of sentence adjustment under this subsection.

History: 2001 a. 109; 2005 a. 253, 277; s. 13.93 (2) (c).

19 SECTION 59. 973.195 (1r) (d) of the statutes is amended to read:

20 973.195 (1r) (d) If the sentence for which the inmate seeks adjustment is for  
21 an offense under s. 940.225 (2) ~~or (3)~~, 948.02 (2), 948.08, or 948.085, and the district  
22 attorney does not object to the petition within 10 days of receiving notice under par.  
23 (c), the district attorney shall notify the victim, as defined under s. 950.02 (4), of the

from p. 10

1 inmate's petition. The notice to the victim shall include information on the sentence  
2 adjustment petition process under this subsection, including information on how to  
3 object to the inmate's petition. If the victim objects to adjustment of the inmate's  
4 sentence within 45 days of the date on which the district attorney received notice  
5 under par. (c), the court shall deny the inmate's petition.

~~NOTE: NOTE: Par. (d) is shown as affected by two acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~

History: 2001 a. 109; 2005 a. 253, 277; s. 13.93 (2) (c).

6 **SECTION 60.** 974.07 (4) (b) of the statutes is amended to read:

7 974.07 (4) (b) Notwithstanding the limitation on the disclosure of mailing  
8 addresses from completed information cards submitted by victims under ss. 51.37  
9 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d), 301.38 (4), 302.105 (4), 304.06 (1) (f),  
10 304.063 (4), 938.51 (2), 971.17 (6m) (d), and 980.11 (4), the department of corrections,  
11 the parole earned release review commission, and the department of health and  
12 family services shall, upon request, assist clerks of court in obtaining information  
13 regarding the mailing address of victims for the purpose of sending copies of motions  
14 and notices of hearings under par. (a).

History: 2001 a. 16; 2005 a. 60.

15 **SECTION 61.** 976.03 (23) (c) of the statutes is amended to read:

16 976.03 (23) (c) The application shall be verified by affidavit, shall be executed  
17 in duplicate and shall be accompanied by 2 certified copies of the indictment  
18 returned, or information and affidavit filed, or of the complaint made to a judge,  
19 stating the offense with which the accused is charged, or of the judgment of  
20 conviction or of the sentence. The prosecuting officer, parole earned release review  
21 commission, warden or sheriff may also attach such further affidavits and other  
22 documents in duplicate as he, she or it deems proper to be submitted with the  
23 application. One copy of the application, with the action of the governor indicated  
24 by endorsement thereon, and one of the certified copies of the indictment, complaint,

1 information and affidavits, or of the judgment of conviction or of the sentence shall  
2 be filed in the office of the governor to remain of record in that office. The other copies  
3 of all papers shall be forwarded with the governor's requisition.

4 **History:** 1971 c. 40 s. 93; 1971 c. 298 s. 26 (2) to (4); 1981 c. 289; 1989 a. 31; 1993 a. 486; 1995 a. 225; 1997 a. 283.

**(END)**

**Hurley, Peggy**

**From:** Steinmetz, Jana D - DOA  
**Sent:** Thursday, January 25, 2007 11:36 AM  
**To:** Hurley, Peggy  
**Cc:** Reines, Bruce - DOA; Wavrunek, Leah J - DOA  
**Subject:** FW: LRB Draft: 07-1403/P1 Earned Release Review Commission

Peggy,

See Susan's comments below. Take a look at these and let me know if you have any concerns. I don't think any of it conflicts with what we've talked about (renaming vs. cross-designating issues aside), but let me know.

Thanks,  
Jana

**From:** Crawford, Susan - DOC  
**Sent:** Thursday, January 25, 2007 11:19 AM  
**To:** Steinmetz, Jana D - DOA; Nikolay, Robert A - DOC  
**Cc:** Frank, Matthew J - DOC  
**Subject:** RE: LRB Draft: 07-1403/P1 Earned Release Review Commission

Jana, here are my comments. Thanks for the opportunity to review.  
Susan

LRB analysis:

- The first and second sentence make it sound like persons serving a bifurcated sentence on a Class C to Class I felony are currently eligible for parole, which of course they are not. I would suggest this change: "Currently, the parole commission in DOC determines whether, and under what conditions, inmates serving indeterminate sentences may be released from imprisonment to parole. A person who is sentenced under s. 973.01 is not eligible for parole and generally must serve the entire confinement portion of the bifurcated sentence before being released to extended supervision. However, a person who is sentenced to a bifurcated sentence for a Class C to Class I felony may petition the sentencing court to adjust his or her sentence and release the person from prison to extended supervision if....."
- Comment: I thought that the plan was to retain the parole commission and have it cross-designated as the earned release review commission, which would have responsibility only for reviewing the sentence adjustment petitions. Renaming the parole commission seems like a bigger policy change than what was previously discussed.

Sec. 10 This section gives reinstatement/restoration rights to classified employees of the parole board in DHFS as of 1/1/1990 who were not appointed to the parole commission when it went to DOC at that time under 1989 Act 31, or if the person was appointed to the parole commission at DOC and subsequently terminated except for just cause. The bill unnecessarily changes "parole commission" to "earned release review commission." There was no "earned release review commission" created under 1989 Act 31. I believe these employees -- if there are any -- would, under the current language, continue to have reinstatement/restoration rights if terminated for any reason except just cause (for example, if positions were eliminated by subsequent legislation). So I would recommend retaining language as-is. Alternatively, we could check to see if there are any remaining classified employees of the old DHFS parole board who are still serving on the parole board and entitled to protection under this section. It may be obsolete.

Sec. 25. This section suggests that the earned release review commission has the authority to set conditions of extended supervision. I do not recall any discussions suggesting that the commission should have this authority in releasing someone to extended supervision on a petition for sentence adjustment. Also, this appears to allow the commission to modify court-ordered conditions of supervision. I recommend removing these changes and leaving s. 302.113(7m)(a) as is.

Sec. 26, 27, 28, 29. Same issue - don't give commission authority to set conditions of ES when granting petitions for sentence adjustment. Leave conditions up to sentencing court or department.

01/25/2007 *h/c to Janai make prisoners petition ct for changes even if they go to commission for early release* *Q - do cts set ext. sup conditions @ sentencing or sent. adj. are change?*

Sec. 36. This section imposes the same procedures on consideration of release to extended supervision as currently are in place for parole decisions. The last sentence of the section specifies that the notice procedures under this section apply to "an inmate's first application for parole, release to extended supervision, or termination of extended supervision...." The inmate under current law receives only one opportunity to petition for sentence adjustment (i.e. release to extended supervision) and I do not believe we intended to change that restriction. This section should be reworded to the extent that it contemplates more than one petition.

Sec. 44. This requires the commission to provide notice to local law enforcement of early releases to extended supervision, as is required for releases to parole. That makes some sense, although it's not something we have discussed. However,, I don't think the same rationale applies to releases from extended supervision. Law enforcement does not receive notice when parole or ES is terminated under current law. Delete reference to "or has his or her extended supervision terminated."

Sec. 46. This section allows the commission to require chemical castration treatment as a condition of extended supervision or termination of extended supervision. This only applies to "serious child sex offenders." I am not sure this includes anyone serving Class F to I felonies, because I think serious child sex offenses are all higher-level felonies. Please ask the drafter to check that. Also, delete reference to "termination of extended supervision." I question whether it would be constitutional to require pharmacological treatment of someone who is being discharged from sentence and, in any event, if such treatment were necessary for public safety, that person would not be an appropriate candidate for release from ES.

Sec. 47. Same problems as sec. 46. Delete references to release to ES or termination of ES.

Sec. 48. Delete "or release to extended supervision" both times it appears in this section. The intensive sanctions program is not available to 973.01 sentences during the term of confinement, so I think this sets up a conflict with 301.048. Also, I don't think we want to give this discretion to the commission as a matter of policy.

Sec. 49. This section requires that a prisoner may not be released until the commission is satisfied that the prisoner has adequate plans for employment or otherwise to sustain him or herself. While this is not a bad idea, it is another example of how this bill is turning the sentence adjustment process into something very like parole. *-keep or del? del-*

Sec. 51. I would just note that we did not ask for the commission to have the authority to release people "at any time" to extended supervision to be drafted into the armed forces. Including references to ES in this section is logical and this was probably a drafting oversight when TIS was adopted. *keep in*

Other comments.

\* Current law only allows for one petition for sentence adjustment. The goal is to stay as close to current law as possible, so the draft should specify that an inmate is allowed to file one petition. I don't see anything in the draft addressing when or how many times the inmate may petition for sentencing adjustment.

\* Current law allows sentence adjustment only for reasons specified in 973.195(1r)(b). These grounds are fairly broad in that it allows a court to consider conduct and progress in prison. I see nothing in the draft that specifies the grounds on which the commission may grant extended supervision. If the goal is to make the procedure as similar as possible to current law but just to have the commission rather than the court making the decisions, then these grounds should be included somewhere in the draft.

As you point out, current law allows the DA and victim the opportunity to object to petitions. However, my understanding is that the victims only have this opportunity for certain sex offenses which I believe DO NOT fall into the class F through I felonies. Please ask drafter to look at that issue - if this requirement would not apply to F-I felonies under current law, we certainly don't want to add it to this draft. Also, even though the current statute's language appears to suggest that the DA has "veto" power over sentence adjustments, case law has interpreted that language as merely giving DA's an opportunity to object, and the court retains discretion to determine if the petition should be granted (State v. Stenklyft). So the DA does not have veto power under current law. Given that interpretation, it would make more sense to me keep the bill as currently drafted, which allows DA to receive notice and an opportunity to comment. *ok*

*so = one time  
- conditions*

*note:  
all refs to  
serious child sex  
offenders (s. 301.06(1a))  
are change only to  
SCS F & F to I  
felonies*

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**From:** Steinmetz, Jana D - DOA  
**Sent:** Wednesday, January 24, 2007 5:00 PM  
**To:** Crawford, Susan - DOC; Nikolay, Robert A - DOC  
**Subject:** FW: LRB Draft: 07-1403/P1 Earned Release Review Commission

Please review and comment by 10am tomorrow. Sorry for the short turn around.

Thanks,  
Jana

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**From:** Greenslet, Patty [mailto:Patty.Greenslet@legis.wisconsin.gov]  
**Sent:** Wednesday, January 24, 2007 4:59 PM  
**To:** Steinmetz, Jana D - DOA  
**Cc:** Reines, Bruce - DOA; Hanaman, Cathlene - LEGIS; Palchik, Laurie A - DOA  
**Subject:** LRB Draft: 07-1403/P1 Earned Release Review Commission

*Following is the PDF version of draft 07-1403/P1.*



**Hurley, Peggy**

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**From:** Steinmetz, Jana D - DOA  
**Sent:** Thursday, January 25, 2007 10:45 AM  
**To:** Hurley, Peggy  
**Subject:** FW: Draft 1403

And I'm only asking out of curiosity about the cross-designation!

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**From:** Steinmetz, Jana D - DOA  
**Sent:** Thursday, January 25, 2007 10:37 AM  
**To:** Hurley, Peggy - LEGIS  
**Subject:** FW: Draft 1403

Another question that we may have already talked about – Is there any way to cross-designate the Parole Commission as the Earned Release Review Commission instead of actually renaming the Parole Commission?

Thanks,  
Jana

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**From:** Steinmetz, Jana D - DOA  
**Sent:** Thursday, January 25, 2007 10:19 AM  
**To:** Hurley, Peggy  
**Cc:** Wavrunek, Leah J - DOA; Reines, Bruce - DOA  
**Subject:** Draft 1403

Peggy,

I have a couple of questions about the Earned Release Review Commission draft:

Section 47 – Our intent is that serious child sex offenders not be granted release under this new 75% structure. Can we take out the “release to extended supervision, or termination of extended supervision” part of that section?

We would like the 75% release to extended supervision structure to remain as close to current law as possible, and the release from extended supervision to mirror that. Mainly, instead of running these petitions through the court, they will go through the Earned Release Review Commission. The one thing that caught my attention was Section 57 and the procedures for notice to DA and victim. Under current law, if the court does not deny the petition, the DA and the victim have the opportunity to object. If either objects, the petition is denied. Under this new law, we would like to give the court, DA and victim the opportunity to object, thereby denying the petition.

Let me know if you have any questions or concerns.

Thanks,  
Jana