



2009 ASSEMBLY BILL 420

September 11, 2009 – Introduced by Representatives HEBL, PARISI, TURNER, PASCH, POPE-ROBERTS, TOLES, BERCEAU, GRIGSBY, BLACK, A. WILLIAMS, BENEDICT and KESSLER, cosponsored by Senators TAYLOR and COGGS. Referred to Committee on Corrections and the Courts.

1 **AN ACT to amend** 302.11 (7) (am), 302.113 (9) (am) and 302.113 (9) (c) of the
2 statutes; **relating to:** sentencing credit for time served on parole or under
3 extended supervision.

Analysis by the Legislative Reference Bureau

Under current law, a person who was sentenced for a felony prior to December 31, 1999, or a misdemeanor prior to February 1, 2003, may be released from prison after serving a portion of his or her sentence and placed in the community on parole for the remainder of his or her sentence. A person sentenced for a felony on or after December 31, 1999, or a misdemeanor on or after February 1, 2003, is sentenced to a bifurcated sentence, which requires the person to serve a portion of his or her sentence in prison and the remainder of the sentence in the community under extended supervision.

A person who is on parole or under extended supervision must comply with certain conditions; a person who fails to comply with the conditions of his or her parole or extended supervision may have his or her parole or extended supervision revoked and may be returned to prison for a period of time not to exceed the time remaining on his or her original sentence.

Under current law, the time remaining on his or her original sentence equals the length of the original sentence minus the amount of time the person was incarcerated. If a person is returned to prison for less than the entire amount of time remaining on his or her original sentence, he or she may be released again on parole or under extended supervision for the remainder of his or her sentence, unless the

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Department of Corrections determines that he or she may be discharged earlier. Under current law, the remainder of his or her sentence equals the length of the original sentence minus the amount of time the person was incarcerated.

Under this bill, if a person is returned to prison after his or her parole or extended supervision is revoked, the remainder of his or her sentence equals the length of the original sentence minus amount of time he or she served in prison and minus the amount of time he or she served on parole or under extended supervision prior to the revocation.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 302.11 (7) (am) of the statutes is amended to read:

2 302.11 (7) (am) The reviewing authority may return a parolee released under
3 sub. (1) or (1g) (b) or s. 304.02 or 304.06 (1) to prison for a period up to the remainder
4 of the sentence for a violation of the conditions of parole. The remainder of the
5 sentence is the entire sentence, less time served in custody ~~prior to parole~~ and time
6 served on parole prior to revocation. The revocation order shall provide the parolee
7 with credit in accordance with ss. 304.072 and 973.155.

8 **SECTION 2.** 302.113 (9) (am) of the statutes, as affected by 2009 Wisconsin Act
9 28, is amended to read:

10 302.113 (9) (am) If a person released to extended supervision under this section
11 or under s. 302.1135 violates a condition of extended supervision, the reviewing
12 authority may revoke the extended supervision of the person. If the extended
13 supervision of the person is revoked, the reviewing authority shall order the person
14 to be returned to prison for any specified period of time that does not exceed the time
15 remaining on the bifurcated sentence. The time remaining on the bifurcated
16 sentence is the total length of the bifurcated sentence, less time served by the person
17 in confinement under the sentence ~~before release to extended supervision under sub.~~

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1 ~~(2)~~ and less all time served in confinement for previous revocations of extended
2 supervision under the sentence by the person on extended supervision under the
3 sentence prior to revocation of extended supervision. The order returning a person
4 to prison under this paragraph shall provide the person whose extended supervision
5 was revoked with credit in accordance with ss. 304.072 and 973.155.

6 **SECTION 3.** 302.113 (9) (c) of the statutes, as affected by 2009 Wisconsin Act 28,
7 is amended to read:

8 302.113 **(9)** (c) A person who is subsequently released to extended supervision
9 after service of the period of time specified by the order under par. (am) is subject to
10 all conditions and rules under ~~subs.~~ sub. (7) and, if applicable, sub. (7m) until the
11 expiration of the remaining extended supervision portion of the bifurcated sentence
12 or until the department discharges the person under s. 973.01 (4m), whichever is
13 appropriate. The remaining extended supervision portion of the bifurcated sentence
14 is the total length of the bifurcated sentence, less the time served by the person in
15 confinement ~~under the bifurcated sentence before release to extended supervision~~
16 ~~under sub. (2)~~ and less all time served in confinement for previous revocations of
17 ~~extended supervision under the bifurcated sentence~~ by the person on extended
18 supervision under the sentence prior to revocation of extended supervision.

19 **SECTION 4. Initial applicability.**

20 (1) This act first applies to a person who is released to parole or to extended
21 supervision on the effective date of this subsection.

22 **SECTION 5. Effective date.**

23 (1) This act takes effect on October 1, 2009.

24 **(END)**