

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4097/1dn

PJH:nwn:md

February 23, 2010

Tad:

Please review this draft to ensure that it is consistent with your intent. It is my understanding that your intent is to repeal the “good time” provisions that were enacted in the budget bill and to stop the accumulation of good time credit on the effective date of this bill. It is my understanding that you do not want people who were sentenced under the good time provisions to accrue any additional good time after this bill goes into effect. To that end, I have made the changes in this bill applicable to persons who were sentenced under the budget sentencing provisions and to those whose sentences were affected by the budget sentencing provisions (i.e., persons sentenced under Truth in Sentencing).

As we discussed, repealing the “good time” provisions and making that repeal apply to people who were sentenced before the effective date of this draft may raise constitutional problems. It could be argued that a person who was sentenced under the good time scheme is entitled to continue to earn good time throughout his or her sentence. This may be particularly problematic in the case of a person who accepted a plea-bargain based, in part, on the sentence he or she expected to serve.

If you have any questions or concerns or would like to discuss this draft further, please let me know.

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