



1 SECTION 2651g. 289.01 (5r) of the statutes is created to read:

2 289.01 (5r) "Construction and demolition waste" means solid waste resulting
3 from the construction, demolition, or razing of buildings, roads, and other structures.

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4 SECTION 2656. 289.33 (3) (d) of the statutes is amended to read:

5 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
6 authorization, approval, variance or exception or any restriction, condition of
7 approval or other restriction, regulation, requirement or prohibition imposed by a
8 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
9 a town, city, village, county or special purpose district, including without limitation
10 because of enumeration any ordinance, resolution or regulation adopted under s.
11 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),
12 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),
13 (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19),
14 (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10),
15 (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4),
16 (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57
17 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1),
18 (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (6), (7), (8),
19 (10) and (11), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34,
20 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30, ~~91.73,~~
21 196.58, 200.11 (8), 236.45, 281.43 or 349.16 ~~or~~, subch. VIII of ch. 60, or subch III of
22 ch. 91.

M D K H

23 SECTION 2656k. 289.51 (3) of the statutes is created to read:

1 289.51 (3) The department may not require that ash resulting from the burning
2 of a structure for practice or instruction of fire fighters or the testing of fire fighting
3 equipment be disposed of in a landfill licensed under s. 289.31.

4 **SECTION 2656h.** 289.63 (1) of the statutes is amended to read:

5 289.63 (1) IMPOSITION OF GROUNDWATER AND WELL COMPENSATION FEES ON
6 GENERATORS. Except as provided under sub. (6), a generator of solid or hazardous
7 waste shall pay separate groundwater and well compensation fees for each ton or
8 equivalent volume of solid or hazardous waste which is disposed of at a licensed solid
9 or hazardous waste disposal facility and for each ton or equivalent volume of building
10 waste that is disposed of at a construction landfill. If a person arranges for collection
11 or disposal services on behalf of one or more generators, that person shall pay the
12 groundwater and well compensation fees to the licensed solid or hazardous waste
13 disposal facility or to the construction landfill or to any intermediate hauler used to
14 transfer wastes from collection points to a licensed facility or to a construction
15 landfill. An intermediate hauler who receives groundwater and well compensation
16 fees under this subsection shall pay the fees to the licensed solid or hazardous waste
17 disposal facility or to the construction landfill. Tonnage or equivalent volume shall
18 be calculated in the same manner as the calculation made for tonnage fees under s.
19 289.62 (1).

20 **SECTION 2656i.** 289.64 (1) of the statutes is amended to read:

21 289.64 (1) IMPOSITION OF SOLID WASTE FACILITY SITING BOARD FEE ON GENERATORS.
22 Except as provided under sub. (4), a generator of solid waste or hazardous waste shall
23 pay a solid waste facility siting board fee for each ton or equivalent volume of solid
24 waste or hazardous waste that is disposed of at a licensed solid waste or hazardous
25 waste disposal facility and for each ton or equivalent volume of building waste that

1 is disposed of at a construction landfill. If a person arranges for collection or disposal
2 services on behalf of one or more generators, that person shall pay the solid waste
3 facility siting board fee to the licensed solid waste or hazardous waste disposal
4 facility or to the construction landfill or to any intermediate hauler used to transfer
5 wastes from collection points to a licensed facility or to a construction landfill. An
6 intermediate hauler who receives the solid waste facility siting board fee under this
7 subsection shall pay the fee to the licensed solid waste or hazardous waste disposal
8 facility or to the construction landfill. Tonnage or equivalent volume shall be
9 calculated in the same manner as the calculation made for tonnage fees under s.
10 289.62 (1).

11 **SECTION 2656j.** 289.64 (2) of the statutes is amended to read:

12 289.64 (2) COLLECTION. The owner or operator of a licensed solid waste or
13 hazardous waste disposal facility or of a construction landfill shall collect the solid
14 waste facility siting board fee from the generator, a person who arranges for disposal
15 on behalf of one or more generators or an intermediate hauler and shall pay to the
16 department the amount of the fee required to be collected according to the amount
17 of solid waste or hazardous waste received and disposed of at the facility or at the
18 construction landfill during the preceding reporting period.

19 **SECTION 2656jm.** 289.64 (5) of the statutes is amended to read:

20 289.64 (5) REPORTING PERIOD. The reporting period under this section is the
21 same as the reporting period under s. 289.62 (1). The owner or operator of any
22 licensed solid waste or hazardous waste disposal facility or of any construction
23 landfill shall pay the solid waste facility siting board fee required to be collected
24 under sub. (2) at the same time as any tonnage fees under s. 289.62 (1) are paid.

25 **SECTION 2656k.** 289.64 (7) (a) of the statutes is amended to read:

1 289.64 (7) (a) If a person required under sub. (1) to pay the solid waste facility
2 siting board fee to a licensed solid waste or hazardous waste disposal facility or to a
3 construction landfill fails to pay the fee, the owner or operator of the licensed solid
4 waste or hazardous waste disposal facility or of the construction landfill shall submit
5 to the department with the payment required under sub. (2) an affidavit stating facts
6 sufficient to show the person's failure to comply with sub. (1).

7 **SECTION 2656L.** 289.645 (1) of the statutes is amended to read:

8 289.645 (1) IMPOSITION OF RECYCLING FEE ON GENERATORS. Except as provided
9 under sub. (4), a generator of solid waste or hazardous waste shall pay a recycling
10 fee for each ton or equivalent volume of solid waste or hazardous waste that is
11 disposed of at a licensed solid waste or hazardous waste disposal facility and for each
12 ton or equivalent volume of building waste that is disposed of at a construction
13 landfill. If a person arranges for collection or disposal services on behalf of one or
14 more generators, that person shall pay the recycling fee to the licensed solid waste
15 or hazardous waste disposal facility or to the construction landfill or to any
16 intermediate hauler used to transfer wastes from collection points to a licensed
17 facility or to a construction landfill. An intermediate hauler who receives the
18 recycling fee under this subsection shall pay the fee to the licensed solid waste or
19 hazardous waste disposal facility or to the construction landfill. Tonnage or
20 equivalent volume shall be calculated in the same manner as the calculation made
21 for tonnage fees under s. 289.62 (1).

22 **SECTION 2656m.** 289.645 (2) of the statutes is amended to read:

23 289.645 (2) COLLECTION. The owner or operator of a licensed solid waste or
24 hazardous waste disposal facility or of a construction landfill shall collect the
25 recycling fee from the generator, a person who arranges for disposal on behalf of one

1 or more generators or an intermediate hauler and shall pay to the department the
2 amount of the fee required to be collected according to the amount of solid waste or
3 hazardous waste received and disposed of at the facility or at the construction landfill
4 during the preceding reporting period.

5 **SECTION 2657.** 289.645 (3) of the statutes is amended to read:

6 289.645 (3) AMOUNT OF RECYCLING FEE. The fee imposed under this section is
7 \$4 \$7 per ton for all solid waste other than high-volume industrial waste.

8 **SECTION 2657b.** 289.645 (5) (intro.) of the statutes is amended to read:

9 289.645 (5) PAYMENT. (intro.) The owner or operator of any licensed solid or
10 hazardous waste disposal facility or of any construction landfill shall pay the
11 recycling fee required to be collected under sub. (2) as follows:

12 **SECTION 2657d.** 289.645 (7) (a) of the statutes is amended to read:

13 289.645 (7) (a) If a person required under sub. (1) to pay the recycling fee to a
14 licensed solid waste or hazardous waste disposal facility or to a construction landfill
15 fails to pay the fee, the owner or operator of the licensed solid waste or hazardous
16 waste disposal facility or of the construction landfill shall submit to the department
17 with the payment required under sub. (2) an affidavit stating facts sufficient to show
18 the person's failure to comply with sub. (1).

19 **SECTION 2657f.** 289.67 (1) (a) of the statutes is amended to read:

20 289.67 (1) (a) *Imposition of fee.* Except as provided under par. (f), a generator
21 of solid or hazardous waste shall pay an environmental repair fee for each ton or
22 equivalent volume of solid or hazardous waste which is disposed of at a licensed solid
23 or hazardous waste disposal facility and for each ton of building waste that is
24 disposed of at a construction landfill. If a person arranges for collection or disposal
25 services on behalf of one or more generators, that person shall pay the environmental

1 repair fee to the licensed solid or hazardous waste disposal facility or to the
2 construction landfill to any intermediate hauler used to transfer wastes from
3 collection points to a licensed facility. An intermediate hauler who receives
4 environmental repair fees under this paragraph shall pay the fees to the licensed
5 solid or hazardous waste disposal facility. Tonnage or equivalent volume shall be
6 calculated in the same manner as the calculation made for tonnage fees under s.
7 289.62 (1).

8 **SECTION 2657h.** 289.67 (1) (b) of the statutes is amended to read:

9 289.67 (1) (b) *Collection.* The owner or operator of a licensed solid or hazardous
10 waste disposal facility or of a construction landfill shall collect the environmental
11 repair fee from the generator, a person who arranges for disposal on behalf of one or
12 more generators or an intermediate hauler and shall pay to the department the
13 amount of the fees required to be collected according to the amount of solid or
14 hazardous waste received and disposed of at the facility or at the construction landfill
15 during the preceding reporting period.

16 **SECTION 2657u.** 289.67 (1) (cm) of the statutes is amended to read:

17 289.67 (1) (cm) *Amount of environmental repair fee.* Except as provided under
18 ~~par. pars. (cv) and~~ (d), the environmental repair fee imposed under par. (a) is 20 cents
19 per ton.

20 **SECTION 2658.** 289.67 (1) (cp) of the statutes is amended to read:

21 289.67 (1) (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm)
22 and except as provided under ~~par. pars. (cv) and~~ (d), the environmental repair fee
23 imposed under par. (a) is ~~50 cents~~ \$1.60 per ton for solid or hazardous waste, other
24 than high-volume industrial waste, disposed of before ~~November 1, 2007~~ July 1,
25 2009, and ~~\$1.60~~ \$5.70 per ton disposed of on or after ~~November 1, 2007~~ July 1, 2009.

1 **SECTION 2658g.** 289.67 (1) (g) of the statutes is amended to read:

2 289.67 (1) (g) *Reporting period.* The reporting period under this subsection is
3 the same as the reporting period under s. 289.62 (1). The owner or operator of any
4 licensed solid or hazardous waste disposal facility or of any construction landfill shall
5 pay environmental repair fees required to be collected under par. (b) at the same time
6 as any tonnage fees under s. 289.62 (1).

7 **SECTION 2658m.** 289.67 (1) (i) 1. of the statutes is amended to read:

8 289.67 (1) (i) 1. If a person required under par. (a) to pay an environmental
9 repair fee to a licensed solid or hazardous waste disposal facility or to a construction
10 landfill fails to pay the fee, the owner or operator of the licensed solid or hazardous
11 waste disposal facility or of the construction landfill shall submit to the department
12 with the payment required under par. (b) an affidavit stating facts sufficient to show
13 the person's failure to comply with par. (a).

14 **SECTION 2658e.** 289.67 (1) (cv) of the statutes is created to read:

15 289.67 (1) (cv) *Environmental repair fee for certain sediments.* The
16 environmental repair fee imposed under par. (a) is \$4.05 per ton for solid or
17 hazardous waste disposed of on or after July 1, 2009, that consists of sediments that
18 are contaminated with PCBs, as defined in s. 299.45 (1) (a), and that are removed
19 from the bed of a navigable water of this state in connection with a phase of a project
20 to remedy contamination of the bed of the navigable water if the quantity of the
21 sediments removed, either in the phase or in combination with other planned phases
22 of the project, will exceed 200,000 cubic yards and if removal of sediments under the
23 project began before the effective date of this paragraph [LRB inserts date].

24 **SECTION 2659.** 289.67 (2) (b) 1. of the statutes is amended to read:

1 289.67 (2) (b) 1. A generator of hazardous waste shall pay a base fee of \$210
2 \$470, if the generator is a large quantity generator, or \$350, if the generator is a small
3 quantity generator if the generator has generated more than zero pounds in that
4 particular year, plus \$20 per ton of hazardous waste generated during the reporting
5 year.

6 **SECTION 2660.** 289.67 (2) (b) 2. of the statutes is amended to read:

7 289.67 (2) (b) 2. No generator ~~may~~ is required to pay a fee that is greater than
8 \$17,000 \$17,500.

9 **SECTION 2661.** 289.67 (2) (c) (intro.) of the statutes is amended to read:

10 289.67 (2) (c) (intro.) No tonnage fees may be assessed under par. (a) for the
11 following hazardous wastes:

12 **SECTION 2662.** 289.67 (2) (de) of the statutes is created to read:

13 289.67 (2) (de) The department shall promulgate a rule that defines “large
14 quantity generator” and “small quantity generator” for the purposes of this
15 subsection.

16 **SECTION 2663.** 292.11 (7) (b) of the statutes is renumbered 292.11 (7) (b) 1.

17 **SECTION 2664.** 292.11 (7) (b) 2. of the statutes is created to read:

18 292.11 (7) (b) 2. If the department authorizes reimbursement under subd. 1.
19 to be paid over time, it shall require monthly payments of interest, at a rate
20 determined by the department, on the unpaid balance of the reimbursement.

21 **SECTION 2665.** 292.31 (8) (e) of the statutes is created to read:

22 292.31 (8) (e) *Interest payment.* If the department authorizes an amount that
23 the state is entitled to recover under this subsection to be paid over time, it shall
24 require monthly payments of interest, at a rate determined by the department, on
25 the unpaid balance of that amount.

1 **SECTION 2665e.** 292.68 (7) (b) of the statutes is amended to read:

2 292.68 (7) (b) The department may only approve reimbursement for costs
3 incurred on or after the first day of the 24th month before the month in which the
4 application is submitted, except that the department may approve reimbursement
5 for costs incurred between May 1, 2007, and June 30, 2009, if the application is
6 submitted before July 1, 2011.

7 **SECTION 2665m.** 299.15 (3) (am) 3. of the statutes is amended to read:

8 299.15 (3) (am) 3. After June 30, 1992, the fee under this paragraph shall be
9 paid by each person required to obtain a permit under s. 283.31, other than a person
10 who owns or operates a concentrated animal feeding operation. After June 30, 1992,
11 the fee to be paid by a person under this paragraph shall be an amount determined
12 under a rule promulgated by the department and shall be based on those pollutants
13 included in the permit under s. 283.31 that are specified by the department by rule,
14 the environmental harm caused by the pollutants discharged, the quantity of the
15 pollutants discharged and the quality of the water receiving the discharge.

16 **SECTION 2665r.** 299.93 (1) of the statutes is renumbered 299.93 (1) (intro.) and
17 amended to read:

18 299.93 (1) (intro.) If a court imposes a fine or forfeiture for a violation of a
19 provision of this chapter or chs. 280 to 285 or 289 to 295 or a rule or order issued under
20 this chapter or chs. 280 to 285 or 289 to 295, the court shall impose an environmental
21 surcharge under ch. 814 equal to ~~10%~~ the following:

22 (a) If the violation was committed before the effective date of this paragraph
23 [LRB inserts date], 10 percent of the amount of the fine or forfeiture.

24 **SECTION 2665s.** 299.93 (1) (b) of the statutes is created to read:

1 299.93 (1) (b) If the violation was committed on or after the effective date of this
2 paragraph ... [LRB inserts date], 20 percent of the amount of the fine or forfeiture.

3 **SECTION 2666.** 301.03 (3) of the statutes is amended to read:

4 301.03 (3) Administer parole, extended supervision, and probation matters,
5 except that the decision to grant or deny parole or to grant extended supervision
6 under s. 304.06 (1) to inmates shall be made by the parole earned release review
7 commission and the decision to revoke probation, extended supervision or parole in
8 cases in which there is no waiver of the right to a hearing shall be made by the
9 division of hearings and appeals in the department of administration. The secretary
10 may grant special action parole releases under s. 304.02. The department may
11 discharge inmates from extended supervision under s. 973.01 (4m) and may modify
12 a bifurcated sentence under s. 302.113 (9h), and the earned release review
13 commission may modify a sentence under s. 302.1135. The department shall
14 promulgate rules establishing a drug testing program for probationers, parolees and
15 persons placed on extended supervision. The rules shall provide for assessment of
16 fees upon probationers, parolees and persons placed on extended supervision to
17 partially offset the costs of the program.

18 **SECTION 2666m.** 301.03 (6t) of the statutes is amended to read:

19 301.03 (6t) On or before January 1 of each odd-numbered year, submit a report
20 to the joint committee on finance and to the chief clerk of each house of the legislature
21 on the use of overtime in the state correctional institutions, identifying the state
22 correctional institution, and, for each correctional institution, the amount and costs
23 of overtime ~~at each correctional institution,~~ and the reason for the overtime at each
24 that correctional institution.

25 **SECTION 2666r.** 301.03 (21) of the statutes is created to read:

1 301.03 (21) Notify the director of the office of state employee relations
2 whenever a unit supervisor position in the division of adult institutions becomes
3 vacant.

4 **SECTION 2667.** 301.046 (4) (a) 1. of the statutes is amended to read:

5 301.046 (4) (a) 1. "Member of the family" means spouse, domestic partner
6 under ch. 770, child, sibling, parent or legal guardian.

7 **SECTION 2668.** 301.048 (2) (am) 3. of the statutes is amended to read:

8 301.048 (2) (am) 3. The parole earned release review commission grants him
9 or her parole under s. 304.06 and requires his or her participation in the program as
10 a condition of parole under s. 304.06 (1x).

11 **SECTION 2669.** 301.048 (4m) (a) 1. of the statutes is amended to read:

12 301.048 (4m) (a) 1. "Member of the family" means spouse, domestic partner
13 under ch. 770, child, sibling, parent or legal guardian.

14 **SECTION 2669h.** 301.068 of the statutes is created to read:

15 **301.068 Community services to reduce recidivism.** (1) The department
16 shall establish community services that have the goals of increasing public safety,
17 reducing the risk that offenders on community supervision will reoffend, and
18 reducing by 25 percent between the fiscal years 2007-08 and 2010-11 the recidivism
19 rate of persons who are on probation, parole, or extended supervision following a
20 felony conviction. In establishing community services under this section, the
21 department shall consider the capacity of existing services and any needs that are
22 not met by existing services.

23 (2) The community services to reduce recidivism under sub. (1) shall include
24 all of the following:

1 (a) Alcohol and other drug treatment, including residential treatment,
2 outpatient treatment, and aftercare.

3 (b) Cognitive group intervention.

4 (c) Day reporting centers.

5 (d) Treatment and services that evidence has shown to be successful and to
6 reduce recidivism.

7 **(3)** The department shall ensure that community services established under
8 sub. (1) meet all of the following conditions:

9 (a) The community services target offenders at a medium or high risk for
10 revocation or recidivism as determined by valid, reliable, and objective risk
11 assessment instruments that the department has approved.

12 (b) The community services provide offenders with necessary supervision and
13 services that improve their opportunity to complete their terms of probation, parole,
14 or extended supervision. The community services may include employment training
15 and placement, educational assistance, transportation, and housing. The
16 community services shall focus on mitigating offender attributes and factors that are
17 likely to lead to criminal behavior.

18 (c) The community services use a system of intermediate sanctions on offenders
19 for violations.

20 (d) The community services are based upon assessments of offenders using
21 valid, reliable, and objective instruments that the department has approved.

22 **(4)** The department shall develop a system for monitoring offenders receiving
23 community services under this section that evaluates how effective the services are
24 in decreasing the rates of arrest, conviction, and imprisonment of the offenders
25 receiving the services.

1 (5) The department shall provide to probation, extended supervision, and
2 parole agents training and skill development in reducing offenders' risk of
3 reoffending and intervention techniques and shall by rule set forth requirements for
4 the training and skill development. The department shall develop policies to guide
5 probation, extended supervision, and parole agents in the supervision and
6 revocation of offenders on probation, extended supervision, and parole and develop
7 practices regarding alternatives to revocation of probation, extended supervision, or
8 parole.

9 (6) The department shall annually submit a report to the governor, the chief
10 clerk of each house of the legislature for distribution to the appropriate standing
11 committees under s. 13.172 (3), and the director of state courts. The report shall set
12 forth the scope of the community services established under sub. (1); the number of
13 arrests of, convictions of, and prison sentences imposed on offenders receiving the
14 community services under this section; and the progress toward the 25 percent
15 recidivism reduction goal under sub. (1) and any adjustment that will be made to
16 reach that goal.

17 **SECTION 2669k.** 301.095 of the statutes is created to read:

18 **301.095 Council on offender reentry.** The council on offender reentry shall
19 do all of the following:

20 (1) Inform the public as to the time and place of council meetings and, for at
21 least one meeting per year, encourage public participation and receive public input
22 in a means determined by the chairperson.

23 (2) Coordinate reentry initiatives across the state and research federal grant
24 opportunities to ensure initiatives comply with eligibility requirements for federal
25 grants.

1 **(3)** Identify methods to improve collaboration and coordination of offender
2 transition services, including training across agencies and sharing information that
3 will improve the lives of the offenders and the families of offenders.

4 **(4)** Establish a means to share data, research, and measurement resources
5 that relate to reentry initiatives.

6 **(5)** Identify funding opportunities that should be coordinated across agencies
7 to maximize the use of state and community-based services as the services relate to
8 reentry.

9 **(6)** Identify areas in which improved collaboration and coordination of
10 activities and programs would increase effectiveness or efficiency of services.

11 **(7)** Promote research and program evaluation that can be coordinated across
12 agencies with an emphasis on research and evaluation practices that are based on
13 evidence of success in treatment and intervention programs.

14 **(8)** Identify and review existing reentry policies, programs, and procedures to
15 ensure that each policy, program, and procedure is based on evidence of success in
16 allowing an offender to reenter the community, improves the chances of successful
17 offender reentry into the community, promotes public safety, and reduces recidivism.

18 **(9)** Promote collaboration and communication between the department and
19 community organizations that work in offender reentry.

20 **(10)** Work to include victims in the reentry process; facilitate dialogue between
21 a victim and an offender if the victim requests; and promote services for victims,
22 including payments of any restitution and fines by the offenders, safety training, and
23 support and counseling, while the offenders are incarcerated and after the offenders
24 are released.

1 (11) Annually submit a report to the governor, any relevant state agencies, as
2 identified by the council, and to the chief clerk of each house of the legislature for
3 distribution to the legislature under s. 13.172 (2) that provides information on all of
4 the following:

5 (a) The progress of the council's work.

6 (b) Any impact the council's work has had on recidivism.

7 (c) The effectiveness of agency coordination and communication.

8 (d) The implementation of a reentry strategic plan.

9 (e) Recommendations on legislative initiatives and policy initiatives that are
10 consistent with the duties of the council.

11 **SECTION 2670.** 301.12 (14) (a) of the statutes is amended to read:

12 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
13 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17
14 years of age in residential, nonmedical facilities such as group homes, foster homes,
15 ~~treatment foster homes~~, residential care centers for children and youth, and juvenile
16 correctional institutions is determined in accordance with the cost-based fee
17 established under s. 301.03 (18). The department shall bill the liable person up to
18 any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
19 3rd-party benefits, subject to rules ~~which~~ that include formulas governing ability to
20 pay promulgated by the department under s. 301.03 (18). Any liability of the resident
21 not payable by any other person terminates when the resident reaches age 17, unless
22 the liable person has prevented payment by any act or omission.

23 **SECTION 2671.** 301.12 (14) (b) of the statutes is amended to read:

24 301.12 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
25 of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the

1 parent's minor child who has been placed by a court order under s. 938.183, 938.355,
2 or 938.357 in a residential, nonmedical facility such as a group home, foster home,
3 ~~treatment foster home~~, residential care center for children and youth, or juvenile
4 correctional institution shall be determined by the court by using the percentage
5 standard established by the department of children and families under s. 49.22 (9)
6 and by applying the percentage standard in the manner established by the
7 department under par. (g).

8 **SECTION 2671m.** 301.185 of the statutes is created to read:

9 **301.185 Pre-release transition facility.** (1) The department shall
10 designate the Felmers Chaney Correctional Center in the city of Milwaukee as a
11 pre-release transition facility for inmates who are scheduled to be released to
12 extended supervision or parole not less than 5 months nor more than 12 months prior
13 to the date of the transfer.

14 (2) The department shall provide at the pre-release transition facility
15 described in sub. (1) programs to assist inmates with reintegration to society and
16 shall assist the inmates in obtaining birth certificates, state identification, social
17 security cards, and driver's licenses, preparing for employment, acquiring
18 transportation to employment sites, achieving a basic level of education, and gaining
19 access to community resources.

20 **SECTION 2672.** 301.21 (1m) (c) of the statutes is amended to read:

21 301.21 (1m) (c) Any hearing to consider parole or whether to grant extended
22 supervision, if the inmate is sentenced under s. 973.01 to which an inmate confined
23 under this contract may be entitled by the laws of Wisconsin will be conducted by the
24 Wisconsin parole earned release review commission under rules of the department.

25 **SECTION 2673.** 301.21 (2m) (c) of the statutes is amended to read:

1 301.21 (2m) (c) Any hearing to consider parole or whether to grant extended
2 supervision, if the prisoner is sentenced under s. 973.01 to which a prisoner confined
3 under a contract under this subsection may be entitled by the laws of Wisconsin shall
4 be conducted by the Wisconsin parole earned release review commission under rules
5 of the department.

6 **SECTION 2674d.** 301.26 (3) (c) of the statutes is amended to read:

7 301.26 (3) (c) Within the limits of the appropriations under s. 20.410 (3) (cd)
8 ~~and, (ko), and (o)~~, the department shall allocate funds to each county for services
9 under this section.

10 **SECTION 2675.** 301.26 (4) (d) 2. of the statutes is amended to read:

11 301.26 (4) (d) 2. Beginning on July 1, ~~2007~~ 2009, and ending on June 30, ~~2008~~
12 2010, the per person daily cost assessment to counties shall be ~~\$259~~ \$270 for care in
13 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$259~~ \$270 for care
14 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
15 ~~\$277~~ \$298 for care in a residential care center for children and youth, ~~\$165~~ \$190 for
16 care in a group home for children, ~~\$67~~ \$72 for care in a foster home, ~~\$132~~ \$124 for
17 care in a treatment foster home, ~~\$99~~ \$101 for departmental corrective sanctions
18 services, and ~~\$35~~ \$40 for departmental aftercare services.

19 **SECTION 2676.** 301.26 (4) (d) 2. of the statutes, as affected by 2009 Wisconsin
20 Act (this act), is amended to read:

21 301.26 (4) (d) 2. Beginning on July 1, ~~2009~~ January 1, 2010, and ending on June
22 30, 2010, the per person daily cost assessment to counties shall be \$270 for care in
23 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$270 for care for
24 juveniles transferred from a juvenile correctional institution under s. 51.35 (3), \$298
25 for care in a residential care center for children and youth, \$190 for care in a group

1 home for children, \$72 for care in a foster home, \$124 for care in a treatment foster
2 home under rules promulgated under s. 48.62 (8) (c), \$101 for departmental
3 corrective sanctions services, and \$40 for departmental aftercare services.

4 **SECTION 2677.** 301.26 (4) (d) 3. of the statutes is amended to read:

5 301.26 (4) (d) 3. Beginning on July 1, ~~2008~~ 2010, and ending on June 30, ~~2009~~
6 2011, the per person daily cost assessment to counties shall be ~~\$268~~ \$275 for care in
7 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$268~~ \$275 for care
8 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
9 ~~\$296~~ \$313 for care in a residential care center for children and youth, ~~\$172~~ \$200 for
10 care in a group home for children, ~~\$74~~ \$75 for care in a foster home, ~~\$145~~ \$130 for
11 care in a treatment foster home, ~~\$101~~ \$103 for departmental corrective sanctions
12 services, and ~~\$37~~ \$41 for departmental aftercare services.

13 **SECTION 2678.** 301.26 (4) (d) 3. of the statutes, as affected by 2009 Wisconsin
14 Act (this act), is amended to read:

15 301.26 (4) (d) 3. Beginning on July 1, 2010, and ending on June 30, 2011, the
16 per person daily cost assessment to counties shall be \$275 for care in a Type 1
17 juvenile correctional facility, as defined in s. 938.02 (19), \$275 for care for juveniles
18 transferred from a juvenile correctional institution under s. 51.35 (3), \$313 for care
19 in a residential care center for children and youth, \$200 for care in a group home for
20 children, \$75 for care in a foster home, \$130 for care in a treatment foster home under
21 rules promulgated under s. 48.62 (8) (c), \$103 for departmental corrective sanctions
22 services, and \$41 for departmental aftercare services.

23 **SECTION 2679.** 301.26 (4) (e) of the statutes is amended to read:

24 301.26 (4) (e) For foster care, ~~treatment foster care~~, group home care, and
25 institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and

1 (14), and 938.52 all payments and deductions made under this subsection and
2 uniform fee collections under s. 301.03 (18) shall be credited to the appropriation
3 account under s. 20.410 (3) (ho).

4 **SECTION 2680.** 301.26 (4) (ed) of the statutes is amended to read:

5 301.26 (4) (ed) For foster care, ~~treatment foster care~~, group home care, and
6 institutional child care to serious juvenile offenders under ss. 49.19 (10) (d), 938.48
7 (4) and (14), and 938.52 all uniform fee collections under s. 301.03 (18) shall be
8 credited to the appropriation account under s. 20.410 (3) (ho).

9 **SECTION 2681d.** 301.26 (6) (a) of the statutes is amended to read:

10 301.26 (6) (a) The intent of this subsection is to develop criteria to assist the
11 legislature in allocating funding, excluding funding for base allocations, from the
12 appropriations under s. 20.410 (3) (cd) ~~and, (ko), and (o)~~ for purposes described in this
13 section.

14 **SECTION 2682d.** 301.26 (7) (intro.) of the statutes is amended to read:

15 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
16 of federal funds and of the appropriations under s. 20.410 (3) (cd) ~~and, (ko), and (o)~~,
17 the department shall allocate funds for community youth and family aids for the
18 period beginning on July 1, ~~2007~~ 2009, and ending on June 30, ~~2009~~ 2011, as
19 provided in this subsection to county departments under ss. 46.215, 46.22, and 46.23
20 as follows:

21 **SECTION 2683d.** 301.26 (7) (a) (intro.) of the statutes is amended to read:

22 301.26 (7) (a) (intro.) For community youth and family aids under this section,
23 amounts not to exceed ~~\$49,395,100~~ \$50,395,100 for the last 6 months of ~~2007~~,
24 ~~\$99,790,200 for 2008~~, 2009, \$100,790,200 for 2010, and \$50,395,100 for the first 6
25 months of ~~2009~~ 2011.

1 **SECTION 2684.** 301.26 (7) (b) (intro.) of the statutes is amended to read:

2 301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall
3 allocate \$2,000,000 for the last 6 months of ~~2007~~ 2009, \$4,000,000 for ~~2008~~ 2010, and
4 \$2,000,000 for the first 6 months of ~~2009~~ 2011 to counties based on each of the
5 following factors weighted equally:

6 **SECTION 2685.** 301.26 (7) (bm) of the statutes is amended to read:

7 301.26 (7) (bm) Of the amounts specified in par. (a), the department shall
8 allocate ~~\$5,250,000~~ \$6,250,000 for the last 6 months of ~~2007~~, ~~\$11,500,000 for 2008~~
9 2009, \$12,500,000 for 2010, and \$6,250,000 for the first 6 months of ~~2009~~ 2011 to
10 counties based on each county's proportion of the number of juveniles statewide who
11 are placed in a juvenile correctional facility during the most recent 3-year period for
12 which that information is available.

13 **SECTION 2686.** 301.26 (7) (c) of the statutes is amended to read:

14 301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate
15 \$1,053,200 for the last 6 months of ~~2007~~ 2009, \$2,106,500 for ~~2008~~ 2010, and
16 \$1,053,300 for the first 6 months of ~~2009~~ 2011 to counties based on each of the factors
17 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an
18 allocation under this paragraph that is less than 93% nor more than 115% of the
19 amount that the county would have received under this paragraph if the allocation
20 had been distributed only on the basis of the factor specified in par. (b) 3.

21 **SECTION 2687.** 301.26 (7) (e) of the statutes is amended to read:

22 301.26 (7) (e) For emergencies related to community youth and family aids
23 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2007~~
24 2009, \$250,000 for ~~2008~~ 2010, and \$125,000 for the first 6 months of ~~2009~~ 2011. A

1 county is eligible for payments under this paragraph only if it has a population of not
2 more than 45,000.

3 **SECTION 2688.** 301.26 (7) (h) of the statutes is amended to read:

4 301.26 (7) (h) For counties that are participating in the corrective sanctions
5 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2007~~ 2009,
6 \$2,124,800 in ~~2008~~ 2010, and \$1,062,400 in the first 6 months of ~~2009~~ 2011 for the
7 provision of corrective sanctions services for juveniles from that county. In
8 distributing funds to counties under this paragraph, the department shall determine
9 a county's distribution by dividing the amount allocated under this paragraph by the
10 number of slots authorized for the program under s. 938.533 (2) and multiplying the
11 quotient by the number of slots allocated to that county by agreement between the
12 department and the county. The department may transfer funds among counties as
13 necessary to distribute funds based on the number of slots allocated to each county.

14 **SECTION 2689.** 301.26 (8) of the statutes is amended to read:

15 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the
16 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last
17 6 months of ~~2007~~ 2009, \$1,333,400 in ~~2008~~ 2010, and \$666,700 in the first 6 months
18 of ~~2009~~ 2011 for alcohol and other drug abuse treatment programs.

19 **SECTION 2690.** 301.38 (1) (a) of the statutes is amended to read:

20 301.38 (1) (a) "Member of the family" means spouse, domestic partner under
21 ch. 770, child, sibling, parent or legal guardian.

22 **SECTION 2691.** 301.46 (3) (a) 1. of the statutes is amended to read:

23 301.46 (3) (a) 1. "Member of the family" means spouse, domestic partner under
24 ch. 770, child, parent, sibling or legal guardian.

25 **SECTION 2692.** 301.46 (4) (a) 6. of the statutes is amended to read:

1 301.46 (4) (a) 6. A foster home ~~or treatment foster home~~ licensed under s. 48.62.

2 **SECTION 2693.** 301.48 (1) (d) of the statutes is amended to read:

3 301.48 (1) (d) "Lifetime tracking" means global positioning system tracking
4 that is required for a person for the remainder of the person's life ~~or until terminated~~
5 ~~under sub. (2m), sub. (6), if applicable, or sub. (7) or (7m).~~ "Lifetime tracking" does
6 not include global positioning system tracking under sub. (2) (d), regardless of how
7 long it is required.

8 **SECTION 2694.** 301.48 (2) (a) (intro.) of the statutes is amended to read:

9 301.48 (2) (a) (intro.) Except as provided in ~~sub.~~ subs. (2m), (6), (7), and (7m),
10 the department shall maintain lifetime tracking of a person if any of the following
11 occurs with respect to the person on or after January 1, 2008:

12 **SECTION 2695.** 301.48 (2) (b) (intro.) of the statutes is amended to read:

13 301.48 (2) (b) (intro.) ~~The~~ Except as provided in subs. (7) and (7m), the
14 department shall maintain lifetime tracking of a person if any of the following occurs
15 with respect to the person on or after January 1, 2008:

16 **SECTION 2696.** 301.48 (2) (d) of the statutes is amended to read:

17 301.48 (2) (d) If, on or after January 1, 2008, a person is being placed on
18 probation, extended supervision, parole, or lifetime supervision for committing a sex
19 offense and par. (a) or (b) does not apply, the department may have the person tracked
20 using a global positioning system tracking device, or passive positioning system
21 tracking, as a condition of the person's probation, extended supervision, parole, or
22 lifetime supervision.

23 **SECTION 2699.** 301.48 (7m) of the statutes is amended to read:

24 301.48 (7m) TERMINATION IF PERSON MOVES OUT OF STATE. ~~Notwithstanding sub.~~
25 (2), if If a person who is subject to being tracked under this section moves out of state,

1 the department shall terminate the person's tracking. If the person returns to the
2 state, the department shall reinstate the person's tracking except as provided under
3 sub. (6) or (7).

4 **SECTION 2699m.** 302.042 of the statutes is created to read:

5 **302.042 Risk reduction program.** (1) The department shall provide risk
6 reduction programming and treatment for inmates sentenced to a risk reduction
7 sentence under s. 973.031.

8 (2) For each inmate sentenced to a risk reduction sentence under s. 973.031,
9 the department shall:

10 (a) Conduct a validated and objective assessment of the inmate's criminogenic
11 factors and risk of reoffending.

12 (b) Develop a program plan for the inmate that is designed to reduce the risk
13 and address the factors identified pursuant to par. (a).

14 (3) The department may modify an inmate's program plan if programming or
15 treatment specified in a plan is unavailable to the inmate because of the inmate's
16 security classification, the department discontinues the programming or treatment,
17 or there is a waiting list for the programming or treatment.

18 (4) The department shall release an inmate who is serving a risk reduction
19 sentence to extended supervision when he or she serves not less than 75 percent of
20 the term of confinement portion of his or her sentence imposed under s. 973.01 and
21 the department determines that he or she has completed the programming or
22 treatment under his or her plan and that the inmate maintained a good conduct
23 record during his or her term of confinement. Not less than 30 days prior to release
24 under this subsection, the department shall notify the sentencing court that the

1 inmate has thus far successfully completed the requirements of his or her risk
2 reduction sentence.

3 **SECTION 2700.** 302.045 (1) of the statutes is amended to read:

4 302.045 (1) PROGRAM. The department shall provide a challenge incarceration
5 program for inmates selected to participate under sub. (2). The program shall
6 provide participants with manual labor, ~~personal development counseling,~~
7 ~~substance abuse treatment and education,~~ military drill and ceremony, ~~counseling,~~
8 and strenuous physical exercise, for participants who have not attained the age of
9 30 as of the date on which they begin participating in the program, or
10 age-appropriate strenuous physical exercise, for all other participants, in
11 preparation for release on parole or extended supervision. The program shall
12 provide, according to each participant's needs as assessed under sub. (2) (d),
13 substance abuse treatment and education, including intensive intervention when
14 indicated, personal development counseling, education, employment readiness
15 training, and other treatment options that are directly related to the participant's
16 criminal behavior. The department shall design the program to include not less than
17 50 participants at a time and so that a participant may complete the program in not
18 more than 180 days. The department may restrict participant privileges as
19 necessary to maintain discipline.

20 **SECTION 2701.** 302.045 (2) (d) of the statutes is repealed and recreated to read:

21 302.045 (2) (d) The department determines, using evidence-based assessment
22 instruments, that one of the following applies:

23 1. The inmate has a substance abuse treatment need that requires an intensive
24 level of treatment.

1 2. The inmate has a substance abuse treatment need that does not require an
2 intensive level of treatment but does require education or outpatient services, and
3 the inmate's substance use is not a key factor in his or her criminal behavior.

4 3. The inmate has one or more treatment needs not related to substance use
5 that is directly related to his or her criminal behavior.

6 **SECTION 2702.** 302.045 (3) of the statutes is amended to read:

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

15 **SECTION 2702m.** 302.045 (3m) (d) of the statutes is created to read:

16 302.045 (3m) (d) Upon receiving a court order modifying an inmate's bifurcated
17 sentence, the department shall release the inmate within 6 working days, as defined
18 in s. 227.01 (14) and as computed in s. 990.001 (4).

19 **SECTION 2703.** 302.05 (title) of the statutes is amended to read:

20 **302.05 (title) Wisconsin substance abuse earned release program.**

21 **SECTION 2704.** 302.05 (1) (am) (intro.) of the statutes is renumbered 302.05 (1)
22 and amended to read:

23 302.05 (1) The department of corrections ~~and the department of health services~~
24 ~~may designate a section of a mental health institute as a correctional treatment~~
25 ~~facility for the treatment of substance abuse of inmates transferred from Wisconsin~~

1 ~~state prisons. This section shall be administered by the department of corrections~~
2 ~~and shall be known as the Wisconsin substance abuse program. The department of~~
3 ~~corrections and the department of health services shall ensure that the residents at~~
4 ~~the institution and the residents in the substance abuse program: shall, at any~~
5 ~~correctional facility the department determines is appropriate, provide a~~
6 ~~rehabilitation program for inmates for the purposes of the earned release program~~
7 ~~described in sub. (3).~~

8 **SECTION 2705.** 302.05 (1) (am) 1. of the statutes is repealed.

9 **SECTION 2706.** 302.05 (1) (am) 2. of the statutes is repealed.

10 **SECTION 2707.** 302.05 (1) (c) of the statutes is repealed.

11 **SECTION 2708.** 302.05 (2) of the statutes is amended to read:

12 302.05 (2) Transfer to a correctional treatment facility for the treatment of
13 ~~substance abuse~~ participation in a program described in sub. (1) shall be considered
14 a transfer under s. 302.18.

15 **SECTION 2709.** 302.05 (3) (b) of the statutes is amended to read:

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

24 **SECTION 2710.** 302.05 (3) (c) 1. of the statutes is amended to read:

1 302.05 (3) (c) 1. Except as provided in par. (d), if the department determines
2 that an eligible inmate serving the term of confinement in prison portion of a
3 bifurcated sentence imposed under s. 973.01 has successfully completed a ~~treatment~~
4 rehabilitation program described in sub. (1), the department shall inform the court
5 that sentenced the inmate.

6 **SECTION 2711.** 302.05 (3) (c) 2. (intro.) of the statutes is amended to read:

7 302.05 (3) (c) 2. (intro.) Upon being informed by the department under subd.
8 1. that an inmate whom the court sentenced under s. 973.01 has successfully
9 completed a ~~treatment~~ rehabilitation program described in sub. (1), the court shall
10 modify the inmate's bifurcated sentence as follows:

11 **SECTION 2711m.** 302.05 (3) (c) 3. of the statutes is created to read:

12 302.05 (3) (c) 3. Upon receiving a court order modifying an inmate's bifurcated
13 sentence, the department shall release the inmate within 6 working days, as defined
14 in s. 227.01 (14) and as computed in s. 990.001 (4).

15 **SECTION 2712.** 302.05 (3) (d) of the statutes is amended to read:

16 302.05 (3) (d) The department may place intensive sanctions program
17 participants in a ~~treatment~~ rehabilitation program described in sub. (1), but pars. (b)
18 and (c) do not apply to those participants.

19 **SECTION 2713.** 302.105 (1) (a) of the statutes is amended to read:

20 302.105 (1) (a) "Member of the family" means spouse, domestic partner under
21 ch. 770, child, sibling, parent or legal guardian.

22 **SECTION 2714.** 302.11 (1g) (b) (intro.) of the statutes is amended to read:

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

1 s. 304.06 (1) to consider whether to deny presumptive mandatory release to the
2 inmate. If the ~~parole~~ earned release review commission does not deny presumptive
3 mandatory release, the inmate shall be released on parole. The ~~parole~~ earned release
4 review commission may deny presumptive mandatory release to an inmate only on
5 one or more of the following grounds:

6 **SECTION 2715.** 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.

14 **SECTION 2716.** 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).

19 **SECTION 2717.** 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.

23 **SECTION 2718.** 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).

4 **SECTION 2719.** 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.

8 **SECTION 2720.** 302.113 (1) of the statutes is amended to read:

9 302.113 (1) An inmate is subject to this section if he or she is serving a
10 bifurcated sentence imposed under s. 973.01. An inmate convicted of a misdemeanor
11 or of a Class F to Class I felony that is not a violent offense, as defined in s. 301.048
12 (2) (bm) 1., and who is eligible for positive adjustment time under sub. (2) (b)
13 pursuant to s. 973.01 (3d) (b) may be released to extended supervision under sub. (2)
14 (b) or (9h). An inmate convicted of a Class C to Class E felony or a Class F to Class
15 I felony that is a violent offense, as defined in s. 301.048 (2) (bm) 1., or a Class F to
16 Class I felony that is not a violent offense, as defined under s. 301.048 (2) (bm) 1., but
17 who is ineligible for positive adjustment time under sub. (2) (b) pursuant to s. 973.01
18 (3d) (b) may be released to extended supervision only under sub. (2) (a) or (9h) or s.
19 304.06.

20 **SECTION 2721.** 302.113 (2) of the statutes is renumbered 302.113 (2) (a) and
21 amended to read:

22 302.113 (2) (a) Except as provided in par. (b) and subs. (3) and (9) and s. 304.06,
23 an inmate subject to this section is entitled to release to extended supervision after
24 he or she has served the term of confinement in prison portion of the sentence
25 imposed under s. 973.01, as modified by the department under sub. (9h), as modified

1 under s. 302.1135 by the earned release review commission in the manner specified
2 in s. 302.1135 (6) (a), or as modified by the sentencing court under ~~sub. (9g) or s.~~
3 302.045 (3m) (b) 1., 302.05 (3) (c) 2. a., or 973.195 (1r), if applicable.

4 **SECTION 2722.** 302.113 (2) (b) of the statutes is created to read:

5 302.113 (2) (b) An inmate sentenced under s. 973.01 for a misdemeanor or for
6 a Class F to Class I felony that is not a violent offense, as defined in s. 301.048 (2)
7 (bm) 1., may earn one day of positive adjustment time for every 2 days served that
8 he or she does not violate any regulation of the prison or does not refuse or neglect
9 to perform required or assigned duties. An inmate convicted of a misdemeanor or a
10 Class F to Class I felony that is not a violent offense, as defined in s. 301.048 (2) (bm)
11 1., shall be released to extended supervision when he or she has served the term of
12 confinement in prison portion of his or her bifurcated sentence, as modified by the
13 sentencing court under s. 302.045 (3m) (b) 1. or 302.05 (3) (c) 2. a., if applicable, less
14 positive adjustment time he or she has earned. This paragraph does not apply to any
15 of the following:

16 1d. A person sentenced on or after the effective date of this subdivision [LRB
17 inserts date]. 1m. A person who is the subject of a bulletin issued under s. 301.46
18 (2m).

19 2. A person who has, in his or her lifetime, been convicted of or found not guilty
20 by reason of mental disease or defect of a sex offense, as defined in s. 301.45 (1d) (b).

21 3. A person who has, in his or her lifetime, been found to have committed a sex
22 offense in another jurisdiction, as defined in s. 301.45 (1d) (am).

23 4. A person who is required to register under s. 301.45.

24 5. A person who has, in his or her lifetime, been committed under ch. 975.

25 6. A violent offender, as defined in s. 16.964 (12) (a).

1 7. A person who is serving, begins to serve, or who has served during his or her
2 current period of confinement, a sentence for a Class F to Class I felony that is a
3 violent offense, as defined in s. 301.048 (2) (bm) 1.

4 8. A person who is serving, begins to serve, or who has served during his or her
5 current period of confinement, a sentence for a Class C to Class E felony.

6 9. A person who is ineligible for positive adjustment time under this paragraph
7 pursuant to s. 973.01 (3d) (b).

8 10. A person who is serving a sentence for an offense against an elderly or
9 vulnerable person, as defined in s. 939.22 (20d).

10 11. A person who is serving a sentence for an offense related to ethical
11 government, as defined in s. 939.22 (20m).

12 12. A person who is serving a sentence for an offense related to school safety,
13 as defined in s. 939.22 (20s).

14 13. A person who is serving a sentence for a felony murder under s. 940.03.

15 14. A person who is serving a sentence for a violation of s. 940.11 (1).

16 15. A person who is serving a sentence for a violation of s. 940.235.

17 16. A person who is serving a sentence for a violation of s. 940.32 (3).

18 17. A person who is serving a sentence for a violation of s. 941.21.

19 18. A person who is serving a sentence for a violation of s. 946.465.

20 **SECTION 2722L.** 302.113 (2) (c) of the statutes is created to read:

21 302.113 (2) (c) 1. When an inmate is within 90 days of release to extended
22 supervision under par. (b), the department shall notify the sentencing court that it
23 intends to modify the inmate's sentence and release the inmate to extended
24 supervision under par. (b), and the court may hold a review hearing. If the court does

1 not schedule a review hearing within 30 days after notification under this
2 subsection, the department may proceed under par. (b).

3 2. a. If the sentencing court opts to conduct a review, it shall hold the hearing
4 and issue an order relating to the inmate's sentence modification and release to
5 extended supervision within 60 days of its notification under subd. 1.

6 b. At the hearing, the court may consider the inmate's conduct in prison, his
7 or her level of risk of reoffending, based on a verified, objective instrument, and the
8 nature of the offense committed by the inmate. The court may accept the
9 department's determination that the inmate has earned positive adjustment time
10 under par. (b), reject the department's determination that the inmate has earned
11 positive adjustment time under par. (b), or order the inmate to remain in prison for
12 a period that does not exceed the time remaining on the inmate's term of
13 confinement.

14 **SECTION 2723.** 302.113 (3) (d) of the statutes is amended to read:

15 302.113 (3) (d) If the term of confinement in prison portion of a bifurcated
16 sentence for a Class B felony is increased under this subsection, the term of extended
17 supervision is reduced so that the total length of the bifurcated sentence does not
18 change.

19 **SECTION 2724.** 302.113 (3) (e) of the statutes is created to read:

20 302.113 (3) (e) If an inmate is released to extended supervision under sub. (2)
21 (b) after he or she has served less than his or her entire confinement in prison portion
22 of the sentence imposed under s. 973.01, the term of extended supervision is
23 increased so that the total length of the bifurcated sentence does not change.

24 **SECTION 2724h.** 302.113 (3m) (a) and (b) of the statutes are created to read:

1 302.113 **(3m)** (a) The warden or superintendent shall keep a record of the
2 conduct of each inmate who is returned to prison after revocation of extended
3 supervision, specifying each infraction of the rules. If a person violates any
4 regulation of the prison or refuses or neglects to participate in required programming
5 or treatment, the department may extend the period imposed under sub. (9) by not
6 more than 90 days.

7 (b) No extension under par. (a) may require a person to serve more days in
8 prison than the total length of the bifurcated sentence imposed on the person under
9 s. 973.01.

10 **SECTION 2725.** 302.113 (7) of the statutes is amended to read:

11 302.113 **(7)** Any inmate released to extended supervision under this section is
12 subject to all conditions and rules of extended supervision until the expiration of the
13 term of extended supervision portion of the bifurcated sentence or until the
14 department discharges the inmate under s. 973.01 (4m), whichever is appropriate.
15 The department may set conditions of extended supervision in addition to any
16 conditions of extended supervision required under s. 302.116, if applicable, or set by
17 the court under sub. (7m) or s. 973.01 (5) if the conditions set by the department do
18 not conflict with the court's conditions.

19 **SECTION 2726.** 302.113 (9) (am) of the statutes is renumbered 302.113 (9) (am)
20 1. and amended to read:

21 302.113 **(9)** (am) 1. If a person released to extended supervision under this
22 section or under s. 302.1135 violates a condition of extended supervision, the
23 reviewing authority may revoke the extended supervision of the person. If the
24 extended supervision of the person is revoked, the ~~person shall be returned to the~~
25 ~~circuit court for the county in which the person was convicted of the offense for which~~

1 ~~he or she was on extended supervision, and the court reviewing authority shall order~~
2 ~~the person to be returned to prison for any specified period of time that does not~~
3 ~~exceed, except as provided in subd. 2., 6 months or the time remaining on the~~
4 ~~bifurcated sentence. The, whichever is less.~~

5 3. For purposes of subs. 1. and 2., the time remaining on the bifurcated
6 sentence is the total length of the bifurcated sentence, less time served by the person
7 in confinement under the sentence before release to extended supervision under sub.
8 (2) and less all time served in confinement for previous revocations of extended
9 supervision under the sentence.

10 4. The court order returning a person to prison under this paragraph subd. 1.
11 shall provide the person whose extended supervision was revoked with credit in
12 accordance with ss. 304.072 and 973.155.

13 **SECTION 2726h.** 302.113 (9) (am) 2. of the statutes is created to read:

14 302.113 (9) (am) 2. The reviewing authority shall order the person whose
15 extended supervision is revoked to be returned to prison for a period the department
16 determines is appropriate that is more than 6 months but that does not exceed the
17 time remaining on the bifurcated sentence if any of the following applies:

18 a. The department determines that the person's conduct that was the violation
19 of the condition of extended supervision leading to the revocation indicates that the
20 person would be a substantial risk to public safety if the period were less than 6
21 months.

22 b. The person is a person specified in sub. (2) (b) 1. to 5.

23 **SECTION 2726p.** 302.113 (9) (am) 3m. of the statutes is created to read:

24 302.113 (9) (am) 3m. For purposes of subd. 2. a., the department shall
25 promulgate rules defining "substantial risk to public safety."

1 **SECTION 2727.** 302.113 (9) (at) of the statutes is repealed.

2 **SECTION 2728.** 302.113 (9) (b) of the statutes is amended to read:

3 302.113 (9) (b) A person who is returned to prison after revocation of extended
4 supervision shall be incarcerated for the entire period of time specified by the court
5 order under par. (am). The period of time specified under par. (am) may be extended
6 in accordance with sub. ~~(3)~~ (3m). If a person is returned to prison under par. (am) for
7 a period of time that is less than the time remaining on the bifurcated sentence, the
8 person shall be released to extended supervision after he or she has served the period
9 of time specified by the court order under par. (am) and any periods of extension
10 imposed in accordance with sub. ~~(3)~~ (3m).

11 **SECTION 2729.** 302.113 (9) (c) of the statutes is amended to read:

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

22 **SECTION 2729j.** 302.113 (9g) (a) (intro.) of the statutes is renumbered 302.1135
23 (1) (intro.) and amended to read:

24 302.1135 (1) (intro.) In this ~~subsection~~ section:

25 **SECTION 2729L.** 302.113 (9g) (a) 1. of the statutes is repealed.