**SECTION 3337.** 938.538 (3) (a) 1p. of the statutes is amended to read:

938.538 (3) (a) 1p. Alternate care, including placement in a foster home, treatment foster home, group home, residential care center for children and youth, or secured residential care center for children and youth.

**SECTION 3338.** 938.57 (1) (c) of the statutes is amended to read:

938.57 (1) (c) Provide appropriate protection and services for juveniles in its care, including providing services for juveniles and their families in their own homes, placing the juveniles in licensed foster homes, licensed treatment foster homes, or licensed group homes in this state or another state within a reasonable proximity to the agency with legal custody, placing the juveniles in the homes of guardians under s. 48.977 (2), contracting for services for them by licensed child welfare agencies, or replacing them in juvenile correctional facilities or secured residential care centers for children and youth in accordance with rules promulgated under ch. 227, except that the county department may not purchase the educational component of private day treatment programs unless the county department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction determine that an appropriate public education program is not available. Disputes between the county department and the school district shall be resolved by the state superintendent of public instruction.

**Section 3339.** 938.57 (3) (a) 4. of the statutes is amended to read:

938.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home, residential care center for children and youth, or subsidized guardianship home under s. 48.62 (5).

**Section 3339j.** 938.78 (2) (i) of the statutes is created to read:

938.78 (2) (i) Paragraph (a) does not prohibit an agency from disclosing
information to a relative of a juvenile placed outside of his or her home only to the
extent necessary to facilitate the establishment of a relationship between the
juvenile and the relative or a placement of the juvenile with the relative. In this
paragraph, "relative" includes a relative whose relationship is derived through a
parent of the juvenile whose parental rights are terminated.
SECTION 3339L. 939.22 (20d) of the statutes is created to read:
939.22 (20d) "Offense against an elderly or vulnerable person" means a
violation of s. 940.285 (2) (a) that caused death, great bodily harm, or bodily harm
to the victim or s. $940.295(3)(b)$ that caused death, great bodily harm, or bodily harm
to the victim.
SECTION 3339n. 939.22 (20m) of the statutes is created to read:
939.22 (20m) "Offense related to ethical government" means a violation of s.
13.69 (6m), 19.58 (1) (b), or 946.12.
SECTION 3339p. 939.22 (20s) of the statutes is created to read:
939.22 (20s) "Offense related to school safety" means a violation of s. 948.605
or 948.61 (2) (b).
Section 3340. 940.201 (1) (a) of the statutes is amended to read:
940.201 (1) (a) "Family member" means a spouse, child, stepchild, foster child,
treatment foster child, parent, sibling, or grandchild.
Section 3341. 940.203 (1) (a) of the statutes is amended to read:
940.203 (1) (a) "Family member" means a parent, spouse, sibling, child,
stepchild, foster child or treatment foster child.
SECTION 3342. 940.205 (1) of the statutes is amended to read:

1	940.205 (1) In this section, "family member" means a parent, spouse, sibling
2	child, stepchild, foster child or treatment foster child.
3	SECTION 3343. 940.207 (1) of the statutes is amended to read:
4	940.207 (1) In this section, "family member" means a parent, spouse, sibling
5	child, stepchild, foster child or treatment foster child.
6	<b>SECTION 3344.</b> 940.43 (1) of the statutes is amended to read:
7	940.43 (1) Where the act is accompanied by force or violence or attempted force
8	or violence, upon the witness, or the spouse, child, stepchild, foster child, <del>treatment</del>
9	foster child, parent, sibling, or grandchild of the witness, or any person sharing a
10	common domicile with the witness.
11	<b>SECTION 3345.</b> 940.45 (1) of the statutes is amended to read:
12	940.45 (1) Where the act is accompanied by force or violence or attempted force
13	or violence, upon the victim, or the spouse, child, stepchild, foster child, treatment
14	foster child, parent, sibling, or grandchild of the victim, or any person sharing a
15	common domicile with the victim.
16	<b>SECTION 3346.</b> 943.011 (1) (a) of the statutes is amended to read:
17	943.011 (1) (a) "Family member" means a spouse, child, stepchild, foster child,
18	treatment foster child, parent, sibling, or grandchild.
19	SECTION 3347. 943.013 (1) (a) of the statutes is amended to read:
20	943.013 (1) (a) "Family member" means a parent, spouse, sibling, child,
21	stepchild, foster child or treatment foster child.
22	<b>Section 3348.</b> 943.015 (1) of the statutes is amended to read:
23	943.015 (1) In this section, "family member" means a parent, spouse, sibling,
24	child, stepchild, foster child or treatment foster child.
25	<b>SECTION 3349.</b> 943.017 (2m) (a) 1. of the statutes is amended to read:

1 943.017 (2m) (a) 1. "Family member" means a spouse, child, stepchild, foster 2 child, treatment foster child, parent, sibling, or grandchild. 3 **Section 3349g.** 943.245 (3m) of the statutes is amended to read: 4 943.245 (3m) Any recovery under this section shall be reduced by the amount 5 recovered as restitution for the same act under ss. 800.093 and 973.20 or as 6 recompense under s. 969.13 (5) (a) for the same act and by any amount collected in 7 connection with the act and paid to the plaintiff under a deferred prosecution 8 agreement under s. 971.41. 9 **Section 3349r.** 943.51 (3r) of the statutes is amended to read: 10 943.51 (3r) Any recovery under this section shall be reduced by the amount 11 recovered as restitution for the same act under ss. 800,093 and 973,20 or as 12 recompense under s. 969.13 (5) (a) for the same act. 13 **Section 3350.** 946.13 (2) (g) of the statutes is amended to read: 14 946.13 (2) (g) Contracts with, or tax credits or payments received by, public 15 officers or employees for wildlife damage claims or abatement under s. 29.889, for 16 farmland preservation under s. 91.13, 2007 stats., or s. 91.60 or subch. IX of ch. 71 17 and s. 91.13, soil and water resource management under s. 92.14, soil erosion control 18 under s. 92.10, 1985 stats., animal waste management under s. 92.15, 1985 stats.. 19 and nonpoint source water pollution abatement under s. 281.65. 20 **Section 3350d.** 946.13 (12) (b) 2. a. of the statutes is amended to read: 21 946.13 (12) (b) 2. a. The contract together with all other contracts between the 22 same parties require less than \$75,000 \$250,000 in payments over a 24 month 24-month period. 23 24 **Section 3350m.** 946.13 (12) (b) 2. b. of the statutes is repealed and recreated 25 to read:

 $\mathbf{2}$ 

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

946.13 (12) (b) 2. b. The University of Wisconsin System submits the contract to the University of Wisconsin Board of Regents and, within 45 days, the University of Wisconsin Board of Regents does not notify the University of Wisconsin System that entering the contract would constitute a violation of sub. (1).

**Section 3350s.** 946.13 (12) (d) of the statutes is repealed.

**Section 3351.** 946.15 of the statutes is amended to read:

946.15 Public and publicly funded construction contracts at less than full rate. (1) Any employer, or any agent or employee of an employer, who induces any person who seeks to be or is employed pursuant to a public contract as defined in s. 66.0901(1)(c) or who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904 (6) to give up, waive, or return any part of the compensation to which that person is entitled under his or her contract of employment or under the prevailing wage rate determination issued by the department or local governmental unit, or who reduces the hourly basic rate of pay normally paid to an employee for work on a project on which a prevailing wage rate determination has not been issued under s. 66.0903 (3) or (6), 66.0904 (4) or (6), 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the employee works both on a project on which a prevailing wage rate determination has been issued and on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class I felony.

(2) Any person employed pursuant to a public contract as defined in s. 66.0901 (1) (c) or employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3),

66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904 (6) who gives up, waives, or returns to the employer or agent of the employer any part of the compensation to which the employee is entitled under his or her contract of employment or under the prevailing wage determination issued by the department or local governmental unit, or who gives up any part of the compensation to which he or she is normally entitled for work on a project on which a prevailing wage rate determination has not been issued under s. 66.0903 (3) or (6), 66.0904 (4) or (6), 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the person works part-time on a project on which a prevailing wage rate determination has not been issued and part-time on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class C misdemeanor.

- (3) Any employer or labor organization, or any agent or employee of an employer or labor organization, who induces any person who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904 (6) to permit any part of the wages to which that person is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from the person's pay is guilty of a Class I felony, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276e 3142.
- (4) Any person employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local

governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904 (6) who permits any part of the wages to which that person is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from his or her pay is guilty of a Class C misdemeanor, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 276e 3142.

**SECTION 3352.** 948.01 (3) of the statutes is amended to read:

948.01 (3) "Person responsible for the child's welfare" includes the child's parent; stepparent; guardian; foster parent; treatment foster parent; an employee of a public or private residential home, institution, or agency; other person legally responsible for the child's welfare in a residential setting; or a person employed by one legally responsible for the child's welfare to exercise temporary control or care for the child.

**SECTION 3353.** 948.085 (1) of the statutes is amended to read:

948.085 (1) Has sexual contact or sexual intercourse with a child for whom the actor is a foster parent or treatment foster parent.

**Section 3357.** 949.01 (2) of the statutes is amended to read:

949.01 (2) "Dependent" means any spouse, <u>domestic partner under ch. 770</u>, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or parent of spouse <u>or of domestic partner under ch. 770</u>, of a deceased victim who was wholly or partially dependent upon the victim's income at the time of the victim's death and includes any child of the victim born after the victim's death.

**SECTION 3358.** 949.06 (1m) (a) of the statutes is amended to read:

1	949.06 (1m) (a) In this subsection, "family member" means any spouse,
2	domestic partner under ch. 770, parent, grandparent, stepparent, child, stepchild,
3	adopted child, grandchild, foster child, treatment foster child, brother, sister, half
4	brother, half sister, aunt, uncle, nephew, niece, or parent or sibling of spouse or of
5	domestic partner under ch. 770.
6	Section 3359. 949.06 (1m) (a) of the statutes, as affected by 2009 Wisconsin
7	Act (this act), is amended to read:
8	949.06 (1m) (a) In this subsection, "family member" means any spouse,
9	domestic partner under s. 770.05, parent, grandparent, stepparent, child, stepchild,
10	adopted child, grandchild, foster child, treatment foster child, brother, sister, half
11	brother, half sister, aunt, uncle, nephew, niece, or parent or sibling of spouse or of a
12	domestic partner under ch. 770.
13	Section 3360. 950.04 (1v) (f) of the statutes is amended to read:
14	950.04 (1v) (f) To have the parole earned release review commission make a
15	reasonable attempt to notify the victim of applications for parole or release to
16	extended supervision, as provided under s. 304.06 (1).
17	<b>Section 3360n.</b> 950.04 (1v) (g) of the statutes is amended to read:
18	950.04 (1v) (g) To have reasonable attempts made to notify the victim of
19	hearings or court proceedings, as provided under ss. $302.113 (9g) (g) 2., 302.114 (6),$
20	938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).
21	Section 3361. 950.04 (1v) (gm) of the statutes is amended to read:
22	950.04 (1v) (gm) To have reasonable attempts made to notify the victim of
23	petitions an offender who submits a petition for sentence adjustment as provided
24	under s. 973.195 (1r) (d), an offender who applies for release to extended supervision

under s. 302.113 (2) (b), 302.1135, or 304.06 (1), or an offender who applies for a reduction under s. 973.01 (4m).

**SECTION 3362.** 950.04 (1v) (nt) of the statutes is amended to read:

950.04 (1v) (nt) To attend a hearing on a petition for modification of a bifurcated sentence and provide a statement concerning modification of the bifurcated sentence, as provided under s. 302.113 (9g) (d) 302.1135 (4).

**SECTION 3362m.** 950.04 (1v) (qm) of the statutes is repealed.

**SECTION 3364.** 961.41 (5) (c) 1. of the statutes is amended to read:

961.41 (5) (c) 1. The first \$850,000 plus two-thirds of all moneys in excess of \$1,275,000 collected in each fiscal year from drug surcharges under this subsection shall be credited to the appropriation account under s. 20.435 (6) (5) (gb).

**SECTION 3364g.** 969.13 (4) of the statutes is amended to read:

969.13 (4) Notice of the order of forfeiture under sub. (1) shall be mailed forthwith by the clerk to the defendant and the defendant's sureties at their last addresses. If the defendant does not appear and surrender to the court within 30 days from the date of the forfeiture and within such period the defendant or the defendant's sureties do not satisfy the court that appearance and surrender by the defendant at the time scheduled for the defendant's appearance was impossible and without the defendant's fault, the court shall upon motion of the district attorney enter judgment for the state against the defendant and any surety for the amount of the bail and costs of the court proceeding. Proceeds Except as provided in sub. (5), proceeds of the judgment shall be paid to the county treasurer. The motion and such notice of motion as the court prescribes may be served on the clerk who shall forthwith mail copies to the defendant and the defendant's sureties at their last addresses.

<b>Section 3364m.</b> 969.13 (5) (a) of the statutes is renumbered 969.13 (5) and
amended to read:
969.13 (5) A cash deposit made with the clerk pursuant to this chapter The
court may order the clerk to hold a cash deposit forfeited under this section for a
period of time to be determined by the court. If the defendant is ordered to pay
restitution under s. 973.20 during that period for the criminal action, the cash
deposit shall be applied first to the payment of any recompense determined under
par. (b) and then, if the recompense restitution ordered under s. 973.20 and then, if
the restitution is paid in full, to the payment of costs. If any amount of such deposit
remains after the payment of costs, it shall be applied to payment of the judgment
of forfeiture. The person making the cash deposit shall be given written notice of the
requirements of this paragraph subsection.
<b>Section 3364r.</b> 969.13 (5) (b) of the statutes is repealed.
Section 3374. 971.17 (4m) (a) 2. of the statutes is amended to read:
971.17 (4m) (a) 2. "Member of the family" means spouse, domestic partner
under ch. 770, child, sibling, parent or legal guardian.
Section 3375. 971.17 (6m) (a) 2. of the statutes is amended to read:
971.17 (6m) (a) 2. "Member of the family" means spouse, domestic partner
under ch. 770, child, sibling, parent or legal guardian.
<b>Section 3376.</b> 971.23 (10) of the statutes is amended to read:
971.23 (10) Payment of copying costs in cases involving indigent defendants.
When the state public defender or a private attorney appointed under s. 977.08
requests copies, in any format, of any item that is discoverable under this section, the
state public defender shall pay any fee charged for the copies from the appropriation

 $\underline{account}$  under s. 20.550 (1) (f). If the person providing copies under this section

1	charges the state public defender a fee for the copies, the fee may not exceed the
2	actual, necessary, and direct cost of providing the copies applicable maximum fee for
3	copies of discoverable materials that is established by rule under s. 977.02 (9).
4	SECTION 3376p. 973.01 (2) (d) (intro.) of the statutes is repealed and recreated
5	to read:
6	973.01 (2) (d) Minimum and maximum term of extended supervision. (intro.)
7	Except for a Class B felony, a Class C felony, or a crime described in s. 301.45 (1d) (b),
8	the term of extended supervision may not be less than 25 percent nor more than 75
9	percent of the length of the term of confinement in prison imposed under par. (b). For
10	a Class B felony, a Class C felony, or a crime described in s. 301.45 (1d) (b), the
11	minimum term of extended supervision may not be less than 25 percent of the term
12	of confinement in prison imposed under par. (b) and the maximum term of extended
13	supervision is subject to whichever of the following limits is applicable:
14	SECTION 3377. 973.01 (3d) of the statutes is created to read:
15	973.01 (3d) Positive adjustment time eligibility. (a) The department shall
16	apply to every person serving a sentence imposed under sub. (1) an objective risk
17)	assessment instrument supported by research to determine how likely it is that the
18	person will commit another offense.
19	(b) If the department of corrections determines under par. (a) that the person
20	poses a high risk of reoffending, the person shall be ineligible to earn positive
21	adjustment time under s. 302.113 (2) (b).
22	(c) This subsection does not apply to a person sentenced on or after the effective
23	date of this paragraph [LRB inserts date].
24	Section 3378. 973.01 (4) of the statutes is amended to read:

973.01 (4) No good time; extension Extension or reduction of term of
${\tt IMPRISONMENT.}\ A\ person\ sentenced\ to\ a\ bifurcated\ sentence\ under\ sub.\ (1)\ shall\ serve$
the term of confinement in prison portion of the sentence without reduction for good
behavior. The term of confinement in prison portion is subject to extension under s.
$302.113\ (3)$ and, if applicable, to reduction under s. $302.045\ (3m)$ , $302.05\ (3)\ (c)\ 2$ . a.,
302.113 (9g), or 973.195 (1r), or adjustment under s. 302.113 (2) (b), 302.1135 (6) (a),
<u>or 304.06 (1)</u> .

**Section 3378r.** 973.01 (4m) of the statutes is created to read:

973.01 (4m) DISCHARGE FROM EXTENDED SUPERVISION. (a) The department may discharge a person from extended supervision after he or she has served 2 years of extended supervision if the person has met the conditions of extended supervision and the reduction is in the interests of justice. This subsection does not apply if the court sentences a person for a violation of s. 940.03, 940.06, 940.11 (1), 940.235, 940.302, 940.31 (1), 940.32 (3), 941.21, 946.465, 948.03 (2) (a), or 948.40 (4) (a) or for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d), an offense related to ethical government, as defined in s. 939.22 (20m), or an offense related to school safety, as defined in s. 939.22 (20s).

- (b) The department shall notify the victim of the person, as defined under s. 950.02 (4) (a), of its intent to discharge the person from extended supervision.
- (c) The department may promulgate rules under ch. 227 establishing guidelines and criteria for the exercise of discretion under this section.

**Section 3381.** 973.01 (7) of the statutes is amended to read:

973.01 (7) No discharge Discharge. The department of corrections may not shall discharge a person who is serving a bifurcated sentence from custody, control and supervision until when the person has served the entire bifurcated sentence, as

1	modified under sub. (4m) or s. 302.113 (2) (b) or (9h), 302.1135, or 304.06 (1), if
2	applicable.
3	SECTION 3381m. 973.01 (8) (a) (intro.) of the statutes is amended to read:
4	973.01 (8) (a) (intro.) When a court imposes a bifurcated sentence under this
5	section, it shall explain, orally and in writing, all of the following to the person being
6	sentenced:
7	<b>SECTION 3382.</b> 973.01 (8) (a) 2. of the statutes is amended to read:
8	973.01 (8) (a) 2. The amount of time the person will serve in prison under the
9	term of confinement in prison portion of the sentence, and the date upon which the
10	person is eligible to be released to extended supervision under s. 302.113 (2) (b) or
11	the date upon which the person may apply for release to extended supervision under
12	<u>s. 304.06</u> .
13	<b>SECTION 3383.</b> 973.01 (8) (a) 3. of the statutes is amended to read:
14	973.01 (8) (a) 3. The amount of time the person will spend on extended
15	supervision, assuming that the person does not commit any act that results in the
16	extension of the term of confinement in prison under s. $302.113(3)$ , and the date upon
17	which the person may be eligible for discharge under sub. (4m).
18	SECTION 3384. 973.015 (title) of the statutes is amended to read:
19	973.015 (title) Misdemeanors, special Special disposition.
20	Section 3385. 973.015 (1) (a) of the statutes is amended to read:
21	973.015 (1) (a) Subject to par. (b) and except as provided in par. (c), when a
22	person is under the age of $21 \ \underline{25}$ at the time of the commission of an offense for which
23	the person has been found guilty in a court for violation of a law for which the
24	maximum penalty is period of imprisonment for one year or less in the county jail is
25	6 years or less, the court may order at the time of sentencing that the record be

1	expunged upon successful completion of the sentence if the court determines the
2	person will benefit and society will not be harmed by this disposition. This
3	subsection does not apply to information maintained by the department of
4	transportation regarding a conviction that is required to be included in a record kept
5	under s. 343.23 (2) (a).
6	SECTION 3386. 973.015 (1) (c) of the statutes is created to read:
7	973.015 (1) (c) No court may order that a record of a conviction for any of the
8	following be expunged:
9	following be expunged:  1. A Class H felony, if the person has, in his or her lifetime, been convicted of
10	a prior felony offense, or if the felony is a violent offense, as defined in s. 301.048 (2)
11	(bm), or is a violation of s. 940.32, 948.03 (2) or (3), or 948.095.
12	2. A Class I felony, if the person has, in his or her lifetime, been convicted of a
13	prior felony offense, or if the felony is a violent offense, as defined in s. 301.048 (2) (bm), or is a violation of s. 948.23.
15	<b>SECTION 3386m.</b> 973.017 (2) (a) of the statutes is repealed.
16	<b>SECTION 3387.</b> 973.017 (6) (a) of the statutes is amended to read:
17	973.017 (6) (a) In this subsection, "person responsible for the welfare of the
18	child" includes the child's parent, stepparent, guardian, foster parent, or treatment
19	foster parent; an employee of a public or private residential home, institution, or
20	agency; any other person legally responsible for the child's welfare in a residential
21	setting; or a person employed by one who is legally responsible for the child's welfare
22	to exercise temporary control or care for the child.
23	<b>Section 3387m.</b> 973.017 (10) of the statutes is repealed.

**Section 3387t.** 973.031 of the statutes is created to read:

973.031 Risk reduction sentence. Whenever a court imposes a sentence for		
a felony under s. 973.01, the court may order the person it sentences to serve a risk		
reduction sentence if the court determines that a risk reduction sentence is		
appropriate and the person agrees to cooperate in an assessment of his or her		
criminogenic factors and his or her risk of reoffending, and to participate in		
programming or treatment the department develops for the person under s. $302.042$		
(1). $\Delta$ This section does not apply if the court sentences a person for a violation of s.		
940.03,940.06,940.11(1),940.235,940.302,940.31(1),940.32(3),941.21,946.465,		
948.03 (2) (a), or 948.40 (4) (a) or for a felony murder under s. 940.03, an offense		
against an elderly or vulnerable person, as defined in s. 939.22 (20d), an offense		
related to ethical government, as defined in s. 939.22 (20m), or an offense related to		
school safety, as defined in s. 939.22 (20s).		
SECTION 3388. 973.045 (1) (a) of the statutes is amended to read:		
973.045 (1) (a) For each misdemeanor offense or count, \$60 \$67.		
Section 3389. 973.045 (1) (b) of the statutes is amended to read:		
973.045 (1) (b) For each felony offense or count, \$85 <u>\$92</u> .		

**Section 3390.** 973.045 (1r) (a) 2. of the statutes is amended to read:

973.045 (1r) (a) 2. Part B equals \$20 \$27 for each misdemeanor offense or count and \$20 \$27 for each felony offense or count.

**Section 3391.** 973.045 (2m) of the statutes is amended to read:

973.045 **(2m)** The secretary of administration shall credit part A <u>and 26</u> percent of part B of the crime victim and witness surcharge to the appropriation account under s. 20.455 (5) (g) and 74 percent of part B to the appropriation account under s. 20.455 (5) (gc).

1	SECTION 3391c. 973.045 (2m) of the statutes, as affected by 2009 Wisconsin Act
2	(this act), is repealed and recreated to read:
3	973.045 (2m) (a) The secretary of administration shall credit to the
4	appropriation account under s. 20.455 (5) (gc) the first \$20 of part B of the crime
5	victim and witness surcharge.
6	(b) The secretary of administration shall credit to the appropriation account
7	under s. $20.455(5)(g)$ part A of the crime victim and witness surcharge and any part
8	of part B of the crime victim and witness surcharge that remains after the secretary
9	of administration complies with par. (a).
10	SECTION 3392. 973.05 (2m) (r) of the statutes is amended to read:
11	973.05 (2m) (r) To payment of the enforcement surcharge under s. $49.17$ $253.06$
12	(4) (c) until paid in full.
13	SECTION 3392b. 973.06 (1) (e) of the statutes is amended to read:
14	973.06 (1) (e) Attorney fees payable to the defense attorney by the county or
15	the state. If the court determines at the time of sentencing that the defendant's
16	financial circumstances are changed, the court may adjust the amount in accordance
17	with s. $977.07(1)(a)$ and $(2)$ rules promulgated under s. $977.02(3)$ .
18	Section 3392d. 973.09 (3) (d) of the statutes is created to read:
19	973.09 (3) (d) The department may petition the sentencing court to modify a
20	person's period of probation and to discharge the person from probation if the person
21	has completed less than 50 percent of his or her period of probation. The court may
22	modify the person's period of probation and order the person discharged from
23	probation if the person has complied with the conditions of his or her probation, has
24	paid restitution ordered under s. 973.20, and has paid all ordered court costs, fines
25	or forfeitures, and supervision fees.

1 **Section 3392s.** 973.09 (5) (intro.) of the statutes is amended to read: 2 973.09 (5) (intro.) When the period of probation for a probationer has expired or a court has modified a probationer's period of probation under sub. (3) (d), the 3 probationer shall be discharged from probation and the department shall do all of the 4 5 following: 6 **Section 3395g.** 973.195 (1r) (a) of the statutes is amended to read: 7 973.195 (1r) (a) An inmate who is serving a sentence imposed under s. 973.01 8 before the effective date of this paragraph .... [LRB inserts date], for a crime other 9 than a Class B felony may petition the sentencing court to adjust the sentence if the 10 inmate has served at least the applicable percentage of the term of confinement in 11 prison portion of the sentence. If an inmate is subject to more than one sentence 12 imposed under this section, the sentences shall be treated individually for purposes 13 of sentence adjustment under this subsection. 14 **Section 3395r.** 973.195 (1r) (j) of the statutes is created to read: 15 973.195 (1r) (j) An inmate who submits a petition under this subsection may 16 not apply under s. 304.06 (1) (bg) 3. or 4. for release to extended supervision for any 17 crime committed prior to the effective date of this paragraph .... [LRB inserts date]. 18 **Section 3395t.** 973.20 (9m) of the statutes is repealed. 19 **Section 3396.** 974.07 (4) (b) of the statutes is amended to read: 20 974.07 (4) (b) Notwithstanding the limitation on the disclosure of mailing 21 addresses from completed information cards submitted by victims under ss. 51.37 22 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d), 301.38 (4), 302.105 (4), 304.06 (1) (f), 23 304.063 (4), 938.51 (2), 971.17 (6m) (d), and 980.11 (4), the department of corrections, the parole earned release review commission, and the department of health services 24 25 shall, upon request, assist clerks of court in obtaining information regarding the

 $^2$ 

mailing address of victims for the purpose of sending copies of motions and notices of hearings under par. (a).

**SECTION 3397.** 976.03 (23) (c) of the statutes is amended to read:

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

**SECTION 3398r.** 977.02 (3) of the statutes is renumbered 977.02 (3) (intro.) and amended to read:

977.02 (3) (intro.) Promulgate rules regarding the determination of indigency of persons entitled to be represented by counsel, other than persons who are entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23, including the time period in which the determination must be made and the criteria to be used to determine indigency and partial indigency. The rules shall specify that, in determining indigency, the representative of the state public defender shall do all of the following:

Section 3398t. 977.02 (3) (a) to (d) of the statutes are created to read:

25

1	977.02 (3) (a) Consider the anticipated costs of effective representation for the
2	type of case in which the person seeks representation.
3	(b) Subject to par. (d), consider assets in the manner described in s. 49.145 (3)
4	(a) and treat assets as available to the person to pay the costs of legal representation
5	if they exceed the resource limitation under s. 49.145 (3) (a), except that the
6	representative of the state public defender shall exclude only the first $\$30,\!000$ of the
7	equity value of the home that serves as the person's homestead.
8	(c) Subject to par. (d), treat income as available to pay the costs of legal
9	representation to the person only if it exceeds the income limitations in s. $49.145(3)$
10	(b).
11	(d) Treat assets or income of the person's spouse as the person's assets or
12	income, unless the spouse was the victim of a crime that the person allegedly
13	committed.
14	SECTION 3399. 977.02 (9) of the statutes is created to read:
15	977.02 (9) Promulgate rules establishing the maximum fees that the state
16	public defender may pay for copies, in any format, of materials that are subject to
17	discovery in cases in which the state public defender or counsel assigned under s.
18	977.08 provides legal representation. In promulgating the rules under this
19	subsection, the board shall consider information regarding the actual, necessary, and
20	direct cost of producing copies of materials that are subject to discovery.
21	SECTION 3400. 977.05 (4) (jm) of the statutes is amended to read:
22	977.05 (4) (jm) At the request of an inmate determined by the state public
23	defender to be indigent or upon referral of -a court the department of corrections

under s. 302.113 (9g) (j) 302.1135 (10), represent the inmate in proceedings for

modification of a bifurcated sentence under s. 302.113 (9g) before a program review

committee and the sentencing court 302.1135 before the earned release review commission, if the state public defender determines the case should be pursued.

**SECTION 3400g.** 977.06 (1) (a) of the statutes is amended to read:

977.06 (1) (a) Verify the information necessary to determine indigency under s. 977.07 (2) rules promulgated under s. 977.02 (3). The information provided by a person seeking assigned counsel that is subject to verification shall include any social security numbers provided on an application under sub. (1m), income records, value of assets, eligibility for public assistance, and claims of expenses.

**Section 3400i.** 977.06 (2) (a) of the statutes is amended to read:

977.06 (2) (a) A person seeking to have counsel assigned for him or her under s. 977.08, other than a person who is entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23, shall sign a statement declaring that he or she has not disposed of any assets for the purpose of qualifying for that assignment of counsel. If the representative or authority making the indigency determination finds that any asset was disposed of for less than its fair market value for the purpose of obtaining that assignment of counsel, the asset shall be counted under s. 977.07 (2) rules promulgated under s. 977.02 (3) at its fair market value at the time it was disposed of, minus the amount of compensation received for the asset.

**SECTION 3400k.** 977.07 (2) of the statutes is repealed.

**Section 3400n.** 977.085 (3) of the statutes is amended to read:

977.085 (3) The board shall provide quarterly reports to the joint committee on finance on the status of reimbursement for or recoupment of payments under ss. 48.275, 51.605, 55.107, 757.66, 938.275, 977.06, 977.07 (2), 977.075 and 977.076, including the amount of revenue generated by reimbursement and recoupment. The quarterly reports shall include any alternative means suggested by the board to

improve reimbursement and recoupment procedures and to increase the amount of revenue generated. The department of justice, district attorneys, circuit courts and applicable county agencies shall cooperate by providing any necessary information to the state public defender.

**Section 3400p.** 977.10 of the statutes is created to read:

977.10 Assistant state public defender retention pay. (1) Each fiscal year, the state public defender shall report to the attorney general the number of full-time equivalent assistant state public defender positions that are filled as of June 30th of that year.

- (2) (a) In this subsection "amount per full-time equivalent position" means the amount transferred by the attorney general under s. 165.03 (2) (c) in a fiscal year divided by the number of full-time equivalent assistant state public defender positions that are filled as of June 30th of that year.
- (b) If the attorney general transfers moneys under s. 165.03 (1) for retention pay in a fiscal year, the state public defender shall, from the appropriation under s. 20.550 (1) (kb), pay each individual who is a full-time equivalent assistant state public defender on June 30th the amount per full-time equivalent position and pay each individual who is less than a full-time equivalent assistant state public defender on June 30th a prorated amount of the amount per full-time equivalent position.

**Section 3400s.** 978.12 (1) (c) of the statutes is amended to read:

978.12 (1) (c) Assistant district attorneys. Assistant district attorneys shall be employed outside the classified service. For purposes of salary administration, the director of the office of state employment relations shall establish one or more classifications for assistant district attorneys in accordance with the classification

or classifications allocated to assistant attorneys general. Except as provided in <u>sub</u>. (7) (b) and s. 111.93 (3), the salaries of assistant district attorneys shall be established and adjusted in accordance with the state compensation plan for assistant attorneys general whose positions are allocated to the classification or classifications established by the director of the office of state employment relations.

**Section 3400v.** 978.12 (7) of the statutes is created to read:

- 978.12 (7) Assistant district attorney retention pay. (a) Each fiscal year, the secretary of administration shall report to the attorney general the number of full-time equivalent assistant district attorney positions that are filled as of June 30th of that year.
- (b) 1. In this paragraph, "amount per full-time equivalent position" means the amount transferred by the attorney general under s. 165.03 (2) (b) in a fiscal year divided by the number of full-time equivalent assistant district attorney positions that are filled as of June 30th of that year.
- 2. If the attorney general transfers moneys under s. 165.03 (1) for retention pay in a fiscal year, the secretary of administration shall, from the appropriation under s. 20.475 (1) (kb) and subject to sub. (5) (c), pay each individual who is a full-time equivalent assistant district attorney on June 30th the amount per full-time equivalent position and pay each individual who is less than a full-time equivalent assistant district attorney on June 30th a prorated amount of the amount per full-time equivalent position.

**SECTION 3401.** 980.036 (10) of the statutes is amended to read:

980.036 (10) Payment of copying costs in cases involving indigent Respondents. When the state public defender or a private attorney appointed under s. 977.08 requests copies, in any format, of any item that is discoverable under this

section, the state public defender shall pay any fee charged for the copies from the appropriation account under s. 20.550 (1) (a). If the person providing copies under this section charges the state public defender a fee for the copies, the fee may not exceed the actual, necessary, and, direct cost of providing the copies applicable maximum fee for copies of discoverable materials that is established by rule under s. 977.02 (9).

**SECTION 3405.** 980.11 (1) (b) of the statutes is amended to read:

980.11 (1) (b) "Member of the family" means spouse, <u>domestic partner under ch. 770</u>, child, sibling, parent or legal guardian.

Section 3405ay. 985.03 (1) (am) of the statutes is created to read:

985.03 (1) (am) Notwithstanding par. (a), a daily or weekly newspaper that is published at least 50 weeks of each year in a county having a population of 500,000 or more, has been published continuously for the past 10 years, has had a continuous circulation of at least 40,000 copies within the region for the past 10 years, as documented by a nationally recognized auditing company, and has the majority of its distribution within the county for which the legal notice is to be distributed, may be awarded and shall be entitled to any compensation or fee for the publishing of any legal notice.

**Section 3405b.** 985.03(1)(c) of the statutes is amended to read:

985.03 (1) (c) A newspaper, under this chapter, is a publication appearing at regular intervals and at least once a week, containing reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader. The definition includes a daily newspaper published in a county having a population of 500,000 or more, devoted principally to business news and publishing of records, which has been designated

by the courts of record of the county for publication of legal notices for a period of 6 months or more. The definition also includes a daily or weekly newspaper that is published at least 50 weeks of each year in a county having a population of 500,000 or more, has been published continuously for the past 10 years, has had a continuous circulation of at least 40,000 copies within the region for the past 10 years, as documented by a nationally recognized auditing company, and has the majority of its distribution within the county for which the legal notice is to be distributed.

**SECTION 3405s.** 992.14 of the statutes is amended to read:

992.14 Revenue limit agreement. Notwithstanding s. 121.91, if a school district held a referendum before February 5, 2001, to exceed its revenue limit under s. 121.91 (2m) (e), and the resolution adopted by the school board and referred to in the question submitted to the electors specified a mill rate to be used to calculate the revenue limit increase, the amount by which the school district's revenue limit is increased as a result of the referendum for each year specified in the referendum is the dollar amount agreed to by the department of public instruction and the school board of that school district.

**SECTION 3406.** 2005 Wisconsin Act 25, section 9101 (4) (b) and (c), as last amended by 2007 Wisconsin Act 20, section 3936, is amended to read:

[2005 Wisconsin Act 25] Section 9101 (4) (b) The department of administration may offer any parcel of state-owned real property for sale in accordance with section 16.848 of the statutes, as created by this act, if the property is eligible for sale under that section and this subsection. If the department of administration receives an offer to purchase the property, the secretary of administration may submit a report to the secretary of the building commission recommending acceptance of the offer. The report shall contain a description of the property and the reasons for the

recommendation. The secretary of administration may recom	nmend	the sale of a
property with or without approval of the state agency having	g juris	diction of the
property. If, during the period on or before June 30, 2007, or t	he per	iod beginning
on the effective date of this paragraph October 27, 2007, and endi	ing on c	June 30, 2009,
or the period beginning on the effective date of this paragraph	and er	ıding on June
30, 2011, the building commission votes to approve the offer to pu	ırchase	e the property,
the department of administration may sell the property.		
(c) This subsection does not apply during the period beginning after June 30,		
2007 and ending the day before the effective date of this paragraph on October 26,		
2007, nor during the period beginning after June 30, 2009, and ending before the		
effective date of this paragraph, nor during the period after Ju	<u>ne 30,</u>	<u>2011</u> .
<b>Section 3406m.</b> 2005 Wisconsin Act 25, section 9105 (1) (h) 1. is amended to		
read:		
(h) 1. Projects financed by general fund supported		
borrowing:		3,508,000
Madison —		
— Purchase of space at University		
Square project	\$	39,850,000
(Total project all funding sources \$56,850,000)		
— Sterling Hall renovation		37,500,000
(Total project all funding sources \$39,500,000)		
Milwaukee — Golda Meir Library remodeling —		
Phase 1		3,508,000

1	(Total project all funding sources \$4,908,000)	
2	— Columbia St. Mary's Columbia cam-	
3	pus medical facilities acquisition	56,530,000
4	and remodeling	
5	(Total project all funding sources \$112,120,000)	
6	Platteville — Tri-state initiative facilities	20,000,000
7	(Total project all funding sources \$51,615,000)	
8	Stevens Point — Waste Management laboratory	1,789,000
9	Stout — Jarvis science wing addition and	
10	remodeling	40,637,000 48,737,000
11	Superior — Jim Dan Hill Library renovation	4 <del>,500,000</del> <u>5,439,000</u>
12	(Total project all funding sources \$6,500,000)	
13	System — Classroom renovation/instructional	
14	technology	7,000,000
15	— Utility Improvements — 3 campuses	21,008,000
16	(Total project all funding sources \$28,600,000)	
17	Whitewater — College of Business and Economics	
18	building	35,549,000
19	(Total project all funding sources \$41,039,000)	
20	SECTION 3406p. 2005 Wisconsin Act 25, section 910	5 (9), as last affected by
21	2007 Wisconsin Act 20, section 3936m, is repealed.	

 $\mathbf{2}$ 

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**SECTION 3407.** 2005 Wisconsin Act 25, section 9152 (5), as last affected by 2007 Wisconsin Act 20, section 3937, is renumbered 36.335 of the statutes and amended to read:

36.335 Sale of real property other land; buildings and structures. If Except as provided in s. 36.33, if the Board of Regents of the University of Wisconsin System sells any real property under its jurisdiction during the period prior to July 1, 2007, and the period beginning on the effective date of this subsection October 27. 2007, and ending on June 30, 2009, and the period beginning on the effective date of this section .... [LRB inserts date], the board shall credit the net proceeds of the sale to the appropriation account under section s. 20.285 (1) (iz) of the statutes, as affected by this act, except that if there is any outstanding public debt used to finance the acquisition, construction, or improvement of any property that is sold, the board shall deposit a sufficient amount of the net proceeds from the sale of the property in the bond security and redemption fund under section s. 18.09 of the statutes to repay the principal and pay the interest on the debt, and any premium due upon refunding any of the debt. If the property was acquired, constructed, or improved with federal financial assistance, the board shall pay to the federal government any of the net proceeds required by federal law. If the property was acquired by gift or grant or acquired with gift or grant funds, the board shall adhere to any restriction governing use of the proceeds.

**SECTION 3408.** 2005 Wisconsin Act 25, section 9155 (1w) (b), as last affected by 2007 Wisconsin Act 5, is amended to read:

[2005 Wisconsin Act 25] Section 9155 (1w) (b) On June 30, 2009, 2011, the secretary of administration shall eliminate up to 13.0 FTE attorney positions in all state agencies that are vacant on that date are eliminated. If fewer than 13.0 FTE

1	attorney positions in all state agencies are vacant on June 30, 2009, there are
2	eliminated the requisite number of FTE attorney positions, as identified by the
3	secretary of administration, so that a total of 13.0 FTE attorney positions are
4	eliminated.
5	SECTION 3409. 2007 Wisconsin Act 20, section 1878d is repealed.
6	<b>SECTION 3409n.</b> 2007 Wisconsin Act 20, section 9105 (1) (a) 1. and 2. and (d)
7	1. are amended to read:
8	[2007 Wisconsin Act 20] Section 9105 (1)
9	(a) 1. Projects financed by existing general fund
10	supported borrowing authority:
11	Preservation and storage facility — <del>Dane County</del>
12	<u>Madison</u> \$ 15,000,000
13	(Total project all funding sources \$25,000,000)
14	2. Projects financed by program revenue supported
15	borrowing:
16	General Executive Facility 3 renovation — 5,304,000
17	Madison
18	Preservation and storage facility — Dane County
19	<u>Madison</u> 10,000,000 2,000,000
20	(Total project all funding sources \$25,000,000)
21	State Transportation Building replacement —
22	Madison 50,000,000

1	(d) 1. Projects financed by general fund supported		
2	borrowing:		
3	Sand Ridge Secure Treatment Center 300-bed	\$	34,000,000
4	200-bed addition and support facilities		25,084,700
5	Wisconsin Resource Center 45-bed female		
6	treatment unit	11,056,000	18,103,700
7	SECTION 3409p. 2007 Wisconsin Act 20, section 9105	5 (1) (j) 1.,	3. and 7. are
8	amended to read:		
9	[2007 Wisconsin Act 20] Section 9105 (1)		
10	(j) 1. Projects financed by general fund supported		
11	borrowing:		
12	Green Bay — Rose and Wood halls remodeling	\$	6,734,000
13	La Crosse — Academic building		36,950,000
14	(Total project all funding sources \$44,000,000)		
15	Madison — School of Human Ecology addition		22,500,000
16	(Total project all funding sources \$47,950,000)		
17	Oshkosh — Academic building		45,946,000
18	(Total project all funding sources \$54,296,000)		
19	— Elmwood Center remodeling and		
20	addition or replacement		8,464,000
21	Parkside — Communications Arts Center		35,300,000
22	(Total project all funding sources \$37,376,000)		

1	Stout — Harvey Hall theater renovation	5,139,000
2	Superior — Academic building	24,143,000 29,143,000
3	(Total project all funding sources \$32,343,000)	
4	System — Classroom renovation/instructional	
5	technology	3,500,000
6	— Utility Improvements — Madison	19,889,000
7	(Total project all funding sources \$24,704,000)	
8	3. Projects financed by program revenue supported	
9	borrowing:	
10	Eau Claire — Davies Center addition and	
11	remodeling or replacement	31,406,600
12	(Total project all funding sources \$48,802,000)	
13	Extension — Lowell Hall guest room remodeling	
14	— Madison	3,600,000
15	La Crosse — Academic building	700,000
16	(Total project all funding sources \$44,000,000)	
17	Madison — Parking ramps 36 and 46 expansion	4,432,000
18	(Total project all funding sources \$7,132,000)	
19	— Chadbourne Residence Hall renova-	
20	tion — Phase 3 and Barnard Resi-	
21	dence Hall renovation	14,627,000
22	— School of Human Ecology addition	2,950,000

1	(Total project all funding sources \$47,950,000)	
2	— Union South replacement	85,700,000
3	(Total project all funding sources \$87,700,000)	
4	— Memorial Union Theater wing reno-	
5	vation	40,500,000
6	(Total project all funding sources \$52,000,000)	
7	Oshkosh — Academic building	350,000
8	(Total project all funding sources \$54,296,000)	
9	— Suite style residence hall	34,000,000
10	Parkside — Suite style residence hall	17,740,000
11	Platteville — Williams Field House addition and	
12	remodeling	3,727,000
13	River Falls — George Fields South Forks	
14	Residence Hall addition	14,714,000 18,935,000
15	Stevens Point — Residence halls renovation	19,995,000
16	— Suite style residence hall	36,205,000
17	Stout — Price Commons 2nd floor renovation	2,429,000
18	(Total project all funding sources \$3,079,000)	
19	System — Utility Improvements — Madison	4,815,000
20	(Total project all funding sources \$24,704,000)	
21	Whitewater — Drumlin Dining Hall renovation	1,275,000
22	— Suite style residence hall	35,728,000

1	7.	Projects financed by gifts, grants, and other	
2		receipts:	
3		La Crosse — Academic building	6,000,000
4		(Total project all funding sources \$44,000,000)	
5		— Stadium and fields	12,112,000
6		(Total project all funding sources \$14,612,000)	
7		Madison — Music performance building	43,865,000
8		— School of Human Ecology addition	22,500,000
9		(Total project all funding sources \$47,950,000)	
10		— Union South replacement	2,000,000
11		(Total project all funding sources \$87,700,000)	
12		— Memorial Union theater wing reno-	
13		vation	11,500,000
14		(Total project all funding sources \$52,000,000)	
15		Oshkosh — Academic building	8,000,000
16		(Total project all funding sources \$54,296,000)	
17		— Softball stadium	500,000
18		Parkside — Communications Arts Center	2,076,000
19		(Total project all funding sources \$37,376,000)	
20		Superior — Academic building	7,000,000 2,000,000
21		(Total project all funding sources \$32,343,000)	
22		Whitewater — Multisport facility — Phase 3	3,474,000