



2013 SENATE BILL 549

February 3, 2014 – Introduced by Senators HARSDORF, DARLING, L. TAYLOR, COWLES, GUDEX, OLSEN, CARPENTER and SCHULTZ, cosponsored by Representatives NYGREN, BALLWEG, CZAJA, ENDSLEY, KLEEFISCH, KNODL, KNUDSON, KOOYENGA, KRUG, T. LARSON, LEMAHIEU, MARKLEIN, MURPHY, A. OTT, PETERSEN, PETRYK, SWEARINGEN, TRANEL, BILLINGS, GOYKE, HEBL, KAHL, PASCH, RICHARDS, RINGHAND and ZAMARRIPA. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

1 **AN ACT** *to renumber and amend* 301.03 (3); *to amend* 301.068 (5); and *to*
2 *create* 301.03 (3) (a), (b) and (c), 304.06 (3g), 971.375 and 973.10 (2s) of the
3 statutes; **relating to:** development of a system of short-term sanctions for
4 individuals who violate conditions of extended supervision, parole, probation,
5 or a deferred prosecution agreement and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, if an individual who is on probation, extended supervision, or parole (release) violates a condition of that release, the person is subject to sanctions including incarceration. This bill requires the Department of Corrections (DOC) to develop a system of short-term sanctions for violations of conditions of release and permits the sanctions to be imposed on the individual. This bill also allows a district attorney to use the short-term sanctions system for violations of a deferred prosecution agreement. The short-term sanctions system must provide a list of sanctions for the most common violations. In developing the system DOC must account for the objective to be accomplished by imposing the sanction and consider the level of intensity necessary to achieve the objective; protect the public, correct the offender's behavior, and hold the offender accountable; determine when revocation is the required response; provide flexibility in imposing sanctions but also provide offenders with clear and immediate consequences for violations; provide examples of high, medium, and low level sanctions and what factors to consider when determining which level of sanction to apply; determine how to reward compliance;

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and ensure that efforts to minimize the impact on an offender's employment and family are made when applying sanctions. Finally, this bill requires DOC to perform reviews of sanctions imposed in order to assess disparities among sanctions, to evaluate the effectiveness of sanctions, and to monitor the impact of sanctions on the number and type of revocations for violations.

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

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

1 **SECTION 1.** 301.03 (3) of the statutes is renumbered 301.03 (3) (intro.) and
2 amended to read:

3 301.03 (3) (intro.) Administer parole, extended supervision, and probation
4 matters, except that the decision to grant or deny parole to inmates shall be made
5 by the parole commission and the decision to revoke probation, extended
6 supervision, or parole, in cases in which there is no waiver of the right to a hearing,
7 shall be made by the division of hearings and appeals in the department of
8 administration. The secretary may grant special action parole releases under s.
9 304.02. The department shall promulgate rules ~~establishing a drug testing program~~
10 ~~for probationers, parolees and persons placed on extended supervision.~~ The rules
11 shall provide for assessment of fees upon probationers, parolees and persons placed
12 ~~on extended supervision to partially offset the costs of the program.~~ to do all of the
13 following:

14 **SECTION 2.** 301.03 (3) (a), (b) and (c) of the statutes are created to read:

15 301.03 (3) (a) Develop a system of short-term sanctions for violations of
16 conditions of parole, probation, extended supervision, and deferred prosecution
17 agreements that sets forth a list of sanctions to be imposed for the most common
18 violations.

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1 (b) Ensure that the system of short-term sanctions developed under par. (a)
2 does all of the following:

3 1. Takes into account the objective to be accomplished by imposing the sanction,
4 considers the level of intensity necessary to achieve the objective, and considers the
5 extent to which sanction imposition is likely to accomplish the objective.

6 2. Takes into account the goals of protecting the public, correcting the offender's
7 behavior, and holding the offender accountable.

8 3. Determines when revocation is the required response to the violation.

9 4. Provides flexibility in imposing sanctions but also provides offenders with
10 clear and immediate consequences for violations.

11 5. Provides examples of high, medium, and low level sanctions and what factors
12 to consider when determining which level of sanction to apply.

13 6. Determines how to reward offenders for compliance with conditions of
14 parole, of probation, of extended supervision, or of the agreement.

15 7. Ensures that efforts to minimize the impact on an offender's employment are
16 made when applying sanctions.

17 8. Ensures that efforts to minimize the impact on an offender's family are made
18 when applying the sanctions.

19 (c) Perform reviews of sanctions imposed under the system to assess disparities
20 among sanctions, to evaluate the effectiveness of sanctions, and to monitor the
21 impact of sanctions on the number and type of revocations for violations.

22 **SECTION 3.** 301.068 (5) of the statutes is amended to read:

23 301.068 (5) The department shall provide to probation, extended supervision,
24 and parole agents training and skill development in reducing offenders' risk of
25 reoffending and intervention techniques and shall by rule set forth requirements for

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1 the training and skill development. The department shall develop policies to guide
2 probation, extended supervision, and parole agents in the supervision and
3 revocation of offenders on probation, extended supervision, and parole and develop
4 practices regarding alternatives to revocation of probation, extended supervision, or
5 parole. To the extent practicable, the department shall incorporate the practices into
6 the system developed under s. 301.03 (3) (a).

7 **SECTION 4.** 304.06 (3g) of the statutes is created to read:

8 304.06 (3g) If a paroled prisoner signs a statement admitting a violation of a
9 condition or rule of parole, the department may, as a sanction for the violation,
10 confine the prisoner for up to 90 days in a regional detention facility or, with the
11 approval of the sheriff, in a county jail. If the department confines the prisoner in
12 a county jail under this subsection, the department shall reimburse the county for
13 its actual costs in confining the prisoner from the appropriations under s. 20.410 (1)
14 (ab) and (b). Notwithstanding s. 302.43, the prisoner is not eligible to earn good time
15 credit on any period of confinement imposed under this subsection.

16 **SECTION 5.** 971.375 of the statutes is created to read:

17 **971.375 Deferred prosecution agreements; sanctions.** The district
18 attorney may subject a defendant to sanctions as provided in the system developed
19 under s. 301.03 (3) (a) if the defendant violates a condition of a deferred prosecution
20 agreement.

21 **SECTION 6.** 973.10 (2s) of the statutes is created to read:

22 973.10 (2s) If a probationer signs a statement admitting a violation of a
23 condition or rule of probation, the department may, as a sanction for the violation,
24 confine the probationer for up to 90 days in a regional detention facility or, with the
25 approval of the sheriff, in a county jail. If the department confines the probationer

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1 in a county jail under this subsection, the department shall reimburse the county for
2 its actual costs in confining the probationer from the appropriations under s. 20.410
3 (1) (ab) and (b).

4 **SECTION 7. Initial applicability.**

5 (1) This act first applies to violations occurring on the effective date of this
6 subsection.

7 (END)