March 15, 2016 - Introduced by Representatives GOYKE, BARNES, BROSTOFF, ZAMARRIPA, ZEPNICK, SPEITZER and CONSIDINE. Referred to Committee on Corrections.

AN ACT to amend 302.113 (9g) (cm); and to create 301.03 (3n) of the statutes;
relating to: modification of a sentence served by an inmate with an extraordinary health condition.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Corrections to adopt evidence-based criteria for determining when to modify a sentence confining a person who has an extraordinary health condition.

The bill also requests the Legislative Audit Bureau to perform a financial and performance evaluation audit of modification by the Department of Corrections of sentences for inmates with extraordinary health conditions. If the bureau performs the audit, it must file its report by July 1, 2017.

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

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

SECTION 1. 301.03 (3n) of the statutes is created to read:
301.03 (3n) Adopt evidence-based criteria for modifying the sentence of an inmate who has an extraordinary health condition, as defined in s. 302.113 (9g) (a) 1.

SECTION 2. 302.113 (9g) (cm) of the statutes is amended to read:

302.113 (9g) (cm) If, after receiving the petition under par. (c), the program review committee determines that the public interest would be served by a modification of the inmate’s bifurcated sentence in the manner provided under par. (f), the committee shall apply the criteria developed under s. 301.03 (3n) when considering a petition submitted by an inmate alleging that he or she has an extraordinary health condition. If the committee determines that the public interest would be served by the modification, it shall approve the petition for referral to the sentencing court and notify the department of its approval. The department shall then refer the inmate’s petition to the sentencing court and request the court to conduct a hearing on the petition. If the program review committee determines that the public interest would not be served by a modification of the inmate’s bifurcated sentence in the manner specified in par. (f), the committee shall deny the inmate’s petition.


(1) Audit of the use of sentence modification. The legislative audit bureau is requested to perform a financial and performance evaluation audit of modification by the department of corrections of sentences for inmates with extraordinary health conditions. If the legislative audit bureau performs the audit it shall file its report as described under section 13.94 (1) (b) of the statutes by July 1, 2017.