AN ACT to amend 302.11 (7) (am), 302.113 (9) (am) and 302.113 (9) (c) of the statutes; relating to: sentencing credit for time served on parole or under extended supervision.

Analysis by the Legislative Reference Bureau

This bill changes the way that time remaining on a prisoner’s sentence is calculated after the prisoner is returned to prison following revocation of his or her parole or extended supervision. Under this bill, if a person is returned to prison after his or her parole or extended supervision is revoked, the remainder of his or her sentence equals the length of the original sentence minus the amount of time he or she served in prison and minus the amount of time he or she served on parole or under extended supervision prior to the revocation. This bill replaces the current procedure for calculating time, under which the time remaining on a prisoner’s sentence equals the length of the original sentence minus the amount of time he or she served confined in prison.

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. 302.11 (7) (am) of the statutes is amended to read:
302.11 (7) (am) The reviewing authority may return a parolee released under sub. (1) or (1g) (b) or s. 304.02 or 304.06 (1) to prison for a period up to the remainder of the sentence for a violation of the conditions of parole. The remainder of the sentence is the entire sentence, less time served in custody prior to parole and time served on parole prior to revocation. The revocation order shall provide the parolee with credit in accordance with ss. 304.072 and 973.155.

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

302.113 (9) (am) If a person released to extended supervision under this section violates a condition of extended supervision, the reviewing authority may revoke the extended supervision of the person. If the extended supervision of the person is revoked, the reviewing authority shall order the person to be returned to prison for any specified period of time that does not exceed the time remaining on the bifurcated sentence. The time remaining on the bifurcated sentence is the total length of the bifurcated sentence, less time served by the person in confinement under the sentence before release to extended supervision under sub. (2) and less all time served in confinement for previous revocations of extended supervision under the sentence by the person on extended supervision under the sentence prior to revocation of extended supervision. The order returning a person to prison under this paragraph shall provide the person whose extended supervision was revoked with credit in accordance with ss. 304.072 and 973.155.

SECTION 3. 302.113 (9) (c) of the statutes is amended to read:

302.113 (9) (c) A person who is subsequently released to extended supervision after service of the period of time specified by the order under par. (am) is subject to all conditions and rules under sub. (7) and, if applicable, sub. (7m) until the expiration of the remaining extended supervision portion of the bifurcated sentence.
The remaining extended supervision portion of the bifurcated sentence is the total length of the bifurcated sentence, less the time served by the person in confinement under the bifurcated sentence before release to extended supervision under sub. (2) and less all time served in confinement for previous revocations of extended supervision under the bifurcated sentence by the person on extended supervision under the sentence prior to revocation of extended supervision.

SECTION 4. Initial applicability.

(1) This act first applies to a person who is released to parole or to extended supervision on the effective date of this subsection.

(END)