

No. 236, S.]

[Published May 9, 1949.

### CHAPTER 81.

AN ACT to amend 57.01 (1), 57.03 (1), and 57.04 (1) of the statutes, relating to probation.

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

SECTION 1. 57.01 (1) of the statutes is amended to read:

57.01 (1) When a person is convicted of a felony (convictions under section 351.30 excepted) and it appears to the court from his character and the circumstances of the case that he is not likely again to commit crime and that the public welfare does not require that he shall suffer the penalty of the law, the court may, by order, withhold sentence or impose sentence and stay its execution and in either case place him on probation to the department for a stated period, stating in the order the reasons therefor, and may impose as a condition of such order or of continuing it in effect that he shall make restitution or pay the costs of prosecution or do both. *The period of probation may be made consecutive to a sentence of imprisonment on a different charge, whether imposed at the same time or previously. Consecutive periods of probation may be imposed. In case the conditions of probation are violated, the current probation and all subsequent consecutive probations shall be revoked.*

SECTION 2. 57.03 (1) of the statutes is amended to read:

57.03 (1) If a probationer in its charge violates the conditions of his probation, the department may order him brought before the court for sentence which shall then be imposed *without further stay* or if already sentenced may order him to prison; and the term of sentence shall begin on the date he enters the prison. A copy of the order of

the department shall be sufficient authority for the officer executing it to take the probationer to court or to prison.

SECTION 3. 57.04 (1) of the statutes is amended to read:

57.04 (1) When a person is convicted of a misdemeanor the court (whether a court of record or otherwise) may, by order, withhold sentence or impose sentence and stay its execution and in either case place him on probation for a period not less than one year nor more than 2 years (except that in counties having a population of over 500,000 a shorter minimum period of probation may be ordered) and may, as a condition of such order or continuing it, require him to pay *the costs of prosecution, to pay a fine and costs, \* \* \* to make restitution, or \* \* \* any combination*, as the court determines, and the court may authorize the probation officer to accept payment in instalments. *The period of probation may be made consecutive to a sentence of imprisonment on a different charge, whether imposed at the same time or previously. Consecutive periods of probation may be imposed. In case the conditions of probation are violated, the current probation and all subsequent consecutive probations shall be revoked.*

Approved May 5, 1949.

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