



**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 351**

May 21, 1997 - Offered by COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 28, line 17: after that line insert:

3 **“SECTION 86g.** 302.045 (3m) of the statutes is created to read:

4 302.045 (3m) PETITION FOR EARLY RELEASE TO EXTENDED SUPERVISION. (a) Except
5 as provided in sub. (4), if the department determines that an inmate serving a
6 bifurcated sentence imposed under s. 973.01 has successfully completed the
7 challenge incarceration program, the inmate may petition the court that sentenced
8 him or her to reduce the term of confinement in prison portion of the bifurcated
9 sentence and provide for an early release to extended supervision.

10 (b) A petition filed under par. (a) shall be accompanied by evidence that the
11 department has determined that the inmate successfully completed the challenge
12 incarceration program. The inmate shall serve a copy of the petition on the district

1 attorney's office that prosecuted him or her, and the district attorney may file a
2 written response to the petition within 30 days after the date he or she receives the
3 petition.

4 (c) Within 90 days after a petition under par. (a) is filed, the court shall enter
5 an order either deciding the petition or extending the time for doing so by not more
6 than 90 days for cause.

7 (d) If the court grants a petition filed under par. (a), it shall specify the amount
8 of time by which the term of confinement in prison portion of the bifurcated sentence
9 is reduced and shall lengthen the term of extended supervision imposed so that the
10 total length of the bifurcated sentence originally imposed does not change. The court
11 may not lengthen either the term of confinement in prison portion of the bifurcated
12 sentence or the total length of the bifurcated sentence when deciding a petition filed
13 under par. (a).

14 (e) Section 973.19 does not apply to petitions filed under par. (a).

15 (f) 1. In this paragraph, "victim" means a person against whom a crime has been
16 committed.

17 2. If an inmate petitions a court under par. (a) for early release to extended
18 supervision, the clerk of the circuit court in which the petition is filed shall send a
19 copy of the petition and, if a hearing is scheduled, a notice of hearing to the victim
20 of the crime committed by the inmate or, if the victim is younger than 18 years old,
21 the victim's parent or legal guardian, if the victim or parent or legal guardian of the
22 victim has submitted a card under subd. 5. requesting notification.

23 3. The notice under subd. 2. shall inform the persons under subd. 2. that they
24 may appear at the hearing held on the petition, if a hearing is scheduled, and shall

1 inform them of the manner in which they may provide written statements
2 concerning the inmate's petition for early release to extended supervision.

3 4. The clerk of the circuit court shall make a reasonable effort to send a copy
4 of the inmate's petition to the last-known address of the persons under subd. 2.
5 within 7 days of the date on which the petition is filed and shall make a reasonable
6 effort to send the notice of hearing, if a hearing is scheduled, to the last-known
7 address of the persons under subd. 2., postmarked at least 10 days before the date
8 of the hearing.

9 5. The director of state courts shall design and prepare cards for a person
10 specified under subd. 2. to send to the clerk of the circuit court in which the inmate
11 is convicted and sentenced. The cards shall have space for any such person to provide
12 his or her name and address, the name of the applicable inmate and any other
13 information the director of state courts determines is necessary. The director of state
14 courts shall provide the cards, without charge, to clerks of circuit court. Clerks of
15 circuit court shall provide the cards, without charge, to persons specified in subd. 2.
16 These persons may send completed cards to the clerk of the circuit court in which the
17 inmate was convicted and sentenced. All court records or portions of records that
18 relate to mailing addresses of these persons are not subject to inspection or copying
19 under s. 19.35 (1).

20 **SECTION 86r.** 302.045 (4) of the statutes is amended to read:

21 302.045 (4) INTENSIVE SANCTIONS PROGRAM PARTICIPANTS. The department may
22 place any intensive sanctions program participant in the challenge incarceration
23 program. The participant is not subject to subs. (2) ~~and~~, (3) and (3m).”

