



**ASSEMBLY AMENDMENT 8,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 351**

May 28, 1997 – Offered by Representatives HARS DORF, WOOD, SYKORA and WALKER.

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

2 **1.** Page 28, line 9: after that line insert:

3 “**SECTION 85m.** 302.045 (2) (cm) of the statutes is created to read:

4 302.045 (2) (cm) If the inmate is serving a bifurcated sentence imposed under
5 s. 973.01, the sentencing court has provided under s. 973.01 (3m) that the inmate is
6 eligible for the challenge incarceration program.”.

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

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

9 302.045 (3m) EARLY RELEASE TO EXTENDED SUPERVISION. (a) Except as provided
10 in sub. (4), if the department determines that an inmate serving the term of
11 confinement in prison portion of a bifurcated sentence imposed under s. 973.01 has

1 successfully completed the challenge incarceration program, the department shall
2 inform the court that sentenced the inmate.

3 (b) Upon being informed by the department under par. (a) that an inmate whom
4 the court sentenced under s. 973.01 has successfully completed the challenge
5 incarceration program, the court shall modify the inmate's bifurcated sentence as
6 follows:

7 1. The court shall reduce the term of confinement in prison portion of the
8 inmate's bifurcated sentence in a manner that provides for the release of the inmate
9 to extended supervision within 30 days of the date on which the court receives the
10 information from the department under par. (a).

11 2. The court shall lengthen the term of extended supervision imposed so that
12 the total length of the bifurcated sentence originally imposed does not change.

13 (c) The court may not increase the total length of the bifurcated sentence when
14 modifying a bifurcated sentence under par. (b).

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

17 2. If an inmate's term of confinement in prison is reduced under par. (b) 1., the
18 department shall, before releasing the inmate to extended supervision, make a
19 reasonable effort to notify the victim of the crime committed by the inmate or, if the
20 victim is younger than 18 years of age, the victim's parent or legal guardian, if the
21 victim or parent or legal guardian of the victim has submitted a card under subd. 5.
22 requesting notification.

23 3. The notice under subd. 2. shall inform the persons under subd. 2. that the
24 inmate's term of confinement in prison has been reduced and that the inmate is being
25 released to extended supervision because he or she has successfully completed the

1 challenge incarceration program. The department shall make a reasonable effort to
2 send the notice to the last-known address of the persons under subd. 2., postmarked
3 at least 7 days before the date of the release to extended supervision.

4 5. The department shall design and prepare cards for a person specified under
5 subd. 2. to send to the department. The cards shall have space for any such person
6 to provide his or her name and address, the name of the applicable inmate and any
7 other information that the department determines is necessary. The department
8 shall provide the cards, without charge, to district attorneys. District attorneys shall
9 provide the cards, without charge, to persons specified in subd. 2. These persons may
10 send completed cards to the department. All department records or portions of
11 records that relate to mailing addresses of these persons are not subject to inspection
12 or copying under s. 19.35 (1).

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

14 302.045 (4) INTENSIVE SANCTIONS PROGRAM PARTICIPANTS. The department may
15 place any intensive sanctions program participant in the challenge incarceration
16 program. The participant is not subject to subs. (2) and, (3) and (3m).”.

17 **3.** Page 30, line 13: after “973.01” insert “, as modified by the sentencing court
18 under s. 302.045 (3m) (b) 1., if applicable”.

19 **4.** Page 68, line 7: before “Victims” insert “Victims of crimes have the right to
20 be informed by the court or by district attorneys under s. 973.01 (4m) regarding the
21 potential for early release to extended supervision under s. 302.045 (3m).”.

22 **5.** Page 68, line 12: before “Victims” insert “Victims of crimes have the right
23 to be informed by the department of corrections under s. 302.045 (3m) (d) regarding

1 the early release to extended supervision of an inmate who has completed the
2 challenge incarceration program.”.

3 **6.** Page 87, line 6: after that line insert:

4 **“(3m) CHALLENGE INCARCERATION PROGRAM ELIGIBILITY.** (a) When imposing a
5 bifurcated sentence under this section on a person convicted of a crime other than
6 a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,
7 948.07, 948.08 or 948.095, the court may provide that the person being sentenced is
8 eligible for the challenge incarceration program under s. 302.045.

9 (b) If the court does not provide that a person is eligible for the challenge
10 incarceration program under par. (a), the person is not eligible for placement in the
11 challenge incarceration program under s. 302.045 at any time during the term of
12 confinement in prison portion of the bifurcated sentence.”.

13 **7.** Page 87, line 7: after “EXTENSION” insert “OR REDUCTION”.

14 **8.** Page 87, line 10: after “302.113 (3)” insert “and, if applicable, to reduction
15 under s. 302.045 (3m)”.

16 **9.** Page 87, line 12: after “(3).” insert “If the court provides under sub. (3m) that
17 the person is eligible for the challenge incarceration program, the court shall also
18 inform the person of the provisions of s. 302.045 (3m).”.

19 **10.** Page 87, line 13: before that line insert:

20 **“(4m) NOTICE TO VICTIMS OF EARLY RELEASE FOR COMPLETING CHALLENGE**
21 **INCARCERATION PROGRAM.** If a court provides under sub. (3m) that a person being
22 sentenced under this section is eligible for the challenge incarceration program and
23 the victim of the crime committed by the person or, if the victim is younger than 18
24 years of age, the victim’s parent or legal guardian is present at the sentencing

1 hearing, the court shall inform the victim or the victim's parent or legal guardian
2 that the person may be given early release to extended supervision under s. 302.045
3 (3m) despite the length of the term of confinement in prison imposed under the
4 bifurcated sentence. If the victim or the victim's parent or legal guardian is not
5 present at the sentencing hearing, the court shall direct the district attorney to
6 inform the victim or the victim's parent or legal guardian that the person may be
7 given early release to extended supervision under s. 302.045 (3m) despite the length
8 of the term of confinement in prison imposed under the bifurcated sentence.”.

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(END)