



State of Wisconsin
2009 - 2010 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 594**

February 5, 2010 – Offered by Representative STASKUNAS.

1 **AN ACT** *to amend* 51.37 (10) (dm), 301.046 (4) (c), 301.048 (4m) (c), 301.38 (3),
2 302.105 (3), 302.1135 (4), 302.1135 (7) (b), 302.114 (6) (b), 302.114 (6) (c),
3 302.114 (6) (d), 303.068 (4m) (c), 304.06 (1) (d) 1., 304.06 (1) (d) 4., 304.06 (1) (e),
4 304.06 (1) (eg), 304.06 (1) (em), 304.063 (3), 304.09 (3), 304.10 (2), 971.17 (4m)
5 (c) and 971.17 (6m) (c); and **to create** 51.37 (10) (dg) 4., 301.046 (4) (bg), 301.048
6 (4m) (bg), 301.38 (2m), 302.105 (2m), 303.068 (4m) (bg), 304.06 (1) (c) 4., 304.063
7 (2m), 304.09 (2) (d), 971.17 (4m) (b) 3. and 971.17 (6m) (b) 3. of the statutes;
8 **relating to:** notifying a law enforcement agency when certain persons are
9 released from the custody of the Department of Corrections.

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

10 **SECTION 1.** 51.37 (10) (dg) 4. of the statutes is created to read:
11 51.37 (10) (dg) 4. If the patient committed an offense described in s. 940.01,
12 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law

1 enforcement officer, as defined in s. 102.475 (8) (c), notify the law enforcement agency
2 on which the officer served and the head of the collective bargaining unit, if any, for
3 that law enforcement agency.

4 **SECTION 2.** 51.37 (10) (dm) of the statutes is amended to read:

5 51.37 (10) (dm) 1. The notice under par. (dg) shall inform the offices and ~~person~~
6 persons under par. (dg) 1. to ~~3.~~ 4. of the patient's name and of the date the patient
7 will begin the home visit or leave. The department shall provide notice under this
8 paragraph for a patient's first extended home visit or leave and, upon request, for
9 subsequent extended home visits or leaves.

10 2. The department shall send the notice, postmarked at least 7 days before the
11 patient begins the extended home visit or leave, to the last-known address addresses
12 of the offices and ~~person~~ persons under par. (dg) 1. to ~~3.~~ 4.

13 3. If the notice is for a first extended home visit or leave, the notice shall inform
14 the offices and ~~person~~ persons under par. (dg) 1. to ~~3.~~ 4. that notification of
15 subsequent extended home visits or leaves will be provided only upon request.

16 **SECTION 3.** 301.046 (4) (bg) of the statutes is created to read:

17 301.046 (4) (bg) Before a prisoner is confined under sub. (1) for a violation of
18 s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim
19 was a law enforcement officer, as defined in s. 102.475 (8) (c), the department shall
20 make a reasonable attempt to notify, in accordance with par. (c), the law enforcement
21 agency on which the officer served and the head of the collective bargaining unit, if
22 any, for that law enforcement agency.

23 **SECTION 4.** 301.046 (4) (c) of the statutes is amended to read:

1 301.046 (4) (c) The department shall make a reasonable effort to send the
2 notice, postmarked at least 7 days before a prisoner is confined under sub. (1), to the
3 last-known address of the persons, agency, or office under ~~par. pars.~~ (b) and (bg).

4 **SECTION 5.** 301.048 (4m) (bg) of the statutes is created to read:

5 301.048 (4m) (bg) As soon as possible after a prisoner, probationer, parolee, or
6 person on extended supervision who has violated s. 940.01, 940.02, 940.03, 940.05,
7 940.06, 940.08, 940.09, or 940.10 and the victim was a law enforcement officer, as
8 defined in s. 102.475 (8) (c), enters the intensive sanctions program, the department
9 shall make a reasonable attempt to notify, in accordance with par. (c), the law
10 enforcement agency on which the officer served and the head of the collective
11 bargaining unit, if any, for that law enforcement agency.

12 **SECTION 6.** 301.048 (4m) (c) of the statutes is amended to read:

13 301.048 (4m) (c) The department shall make a reasonable effort to send the
14 notice to the last-known address of the persons, agency, or office under ~~par. pars.~~ (b)
15 and (bg).

16 **SECTION 7.** 301.38 (2m) of the statutes is created to read:

17 301.38 (2m) If a prisoner who has violated s. 940.01, 940.02, 940.03, 940.05,
18 940.06, 940.08, 940.09, or 940.10 and the victim was a law enforcement officer, as
19 defined in s. 102.475 (8) (c), escapes from a Type 1 prison, the department shall make
20 a reasonable attempt to notify, in accordance with sub. (3), the law enforcement
21 agency on which the officer served and the head of the collective bargaining unit, if
22 any, for that law enforcement agency.

23 **SECTION 8.** 301.38 (3) of the statutes is amended to read:

1 301.38 (3) The department shall make a reasonable effort to notify the person,
2 agency, or office by telephone as soon as possible after the escape and after any
3 subsequent apprehension of the prisoner.

4 **SECTION 9.** 302.105 (2m) of the statutes is created to read:

5 302.105 (2m) Before an inmate who is in a prison serving a sentence for a
6 violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and
7 the victim was a law enforcement officer, as defined in s. 102.475 (8) (c), is released
8 from imprisonment because he or she has reached the expiration date of his or her
9 sentence, the department shall make a reasonable attempt to notify, in accordance
10 with sub. (3), the law enforcement agency on which the officer served and the head
11 of the collective bargaining unit, if any, for that law enforcement agency.

12 **SECTION 10.** 302.105 (3) of the statutes is amended to read:

13 302.105 (3) The department shall make a reasonable effort to send the notice,
14 postmarked at least 7 days before an inmate's sentence expires and he or she is
15 released from imprisonment, to the last-known address of the persons, agency, or
16 office under ~~sub. subs.~~ (2) and (2m).

17 **SECTION 11.** 302.1135 (4) of the statutes, as affected by 2009 Wisconsin Act 28,
18 is amended to read:

19 302.1135 (4) When the commission receives under sub. (3) an inmate's petition
20 for modification of the inmate's sentence, the commission shall set a hearing to
21 determine whether the public interest would be served by a modification of the
22 inmate's sentence in the manner specified in sub. (6). The inmate and the district
23 attorney have the right to be present at the hearing, and any victim of the inmate's
24 crime has the right to be present at the hearing and to provide a statement
25 concerning the modification of the inmate's sentence. The commission shall order

1 such notice of the hearing date as it considers adequate to be given to the inmate, the
2 attorney representing the inmate, if applicable, and the district attorney. ~~Victim~~
3 ~~notification~~ Notification shall be provided as specified under sub. (7).

4 **SECTION 12.** 302.1135 (7) (b) of the statutes, as affected by 2009 Wisconsin Act
5 28, is amended to read:

6 302.1135 (7) (b) When the commission sets a hearing date under sub. (4), the
7 commission shall send a notice of hearing to the victim of the crime committed by the
8 inmate, if the victim has submitted a card under par. (c) requesting notification and,
9 if the inmate violated s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or
10 940.10 and the victim was a law enforcement officer, as defined in s. 102.475 (8) (c),
11 to the law enforcement agency on which the officer served and the head of the
12 collective bargaining unit, if any, for that law enforcement agency. The notice shall
13 inform the victim, the head of the collective bargaining unit, and a representative of
14 the law enforcement agency that he or she may appear at the hearing scheduled
15 under sub. (4) and shall inform the victim, the head of the collective bargaining unit,
16 and a representative of the law enforcement agency of the manner in which he or she
17 may provide a statement concerning the modification of the inmate's sentence in the
18 manner provided in sub. (6). The commission shall make a reasonable attempt to
19 send the notice of hearing to the last-known address of the inmate's victim, the law
20 enforcement agency, and the office of the head of the collective bargaining unit
21 postmarked at least 10 days before the date of the hearing.

22 **SECTION 13.** 302.114 (6) (b) of the statutes is amended to read:

23 302.114 (6) (b) If an inmate petitions a court under sub. (5) or (9) (bm) for
24 release to extended supervision under this section, the clerk of the circuit court in
25 which the petition is filed shall send a copy of the petition and, if a hearing is

1 scheduled, a notice of hearing to the victim of the crime committed by the inmate, if
2 the victim has submitted a card under par. (e) requesting notification and, if the
3 inmate violated of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10
4 and the victim was a law enforcement officer, as defined in s. 102.475 (8) (c), to the
5 law enforcement agency on which the officer served and the head of the collective
6 bargaining unit, if any, for that law enforcement agency.

7 **SECTION 14.** 302.114 (6) (c) of the statutes is amended to read:

8 302.114 (6) (c) The notice under par. (b) shall inform the victim, the head of the
9 collective bargaining unit, and a representative of the law enforcement agency that
10 he or she may appear at the hearing under sub. (5) or (9) (bm), if a hearing is
11 scheduled, and shall inform the victim, the head of the collective bargaining unit, and
12 a representative of the law enforcement agency of the manner in which he or she may
13 provide written statements concerning the inmate’s petition for release to extended
14 supervision.

15 **SECTION 15.** 302.114 (6) (d) of the statutes is amended to read:

16 302.114 (6) (d) The clerk of the circuit court shall make a reasonable attempt
17 to send a copy of the inmate’s petition to the last-known address of the victim, the
18 law enforcement agency, and the office of the head of the collective bargaining unit
19 within 7 days of the date on which the petition is filed and shall make a reasonable
20 attempt to send the notice of hearing, if a hearing is scheduled, to the last-known
21 address of the persons victim, the law enforcement agency, and the office of the head
22 of the collective bargaining unit postmarked at least 10 days before the date of the
23 hearing.

24 **SECTION 16.** 303.068 (4m) (bg) of the statutes is created to read:

1 303.068 (4m) (bg) Before an inmate who is imprisoned for a violation of s.
2 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was
3 a law enforcement officer, as defined in s. 102.475 (8) (c), is released on leave under
4 this section, the department shall make a reasonable attempt to notify, in accordance
5 with par. (c), the law enforcement agency on which the officer served and the head
6 of the collective bargaining unit, if any, for that law enforcement agency.

7 **SECTION 17.** 303.068 (4m) (c) of the statutes is amended to read:

8 303.068 (4m) (c) The department shall make a reasonable effort to send the
9 notice, postmarked at least 7 days before an inmate is released on leave, to the
10 last-known address of the persons, agency, or office under ~~par. pars.~~ (b) and (bg).

11 **SECTION 18.** 304.06 (1) (c) 4. of the statutes is created to read:

12 304.06 (1) (c) 4. If the inmate was convicted of an offense under s. 940.01,
13 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
14 enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on
15 which the officer served and the head of the collective bargaining unit, if any, for that
16 law enforcement agency.

17 **SECTION 19.** 304.06 (1) (d) 1. of the statutes, as affected by 2009 Wisconsin Act
18 28, is amended to read:

19 304.06 (1) (d) 1. The notice under par. (c) shall inform the offices and persons
20 under par. (c) 1. to ~~3.~~ 4. of the manner in which they may provide written statements
21 under this subsection, shall inform persons under par. (c) 3. or 4. of the manner in
22 which they may attend interviews or hearings and make statements under par. (eg)
23 and shall inform persons under par. (c) 3. or 4. who are or who represented, pursuant
24 to par. (c) 4., victims, or family members of victims, of crimes specified in s. 940.01,
25 940.03, 940.05, 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025, 948.06 or 948.07 of

1 the manner in which they may have direct input in the decision-making process
2 under par. (em) for parole or release to extended supervision. The earned release
3 review commission shall provide notice under this paragraph for an inmate's first
4 application for parole or release to extended supervision and, upon request, for
5 subsequent applications for parole or release to extended supervision.

6 **SECTION 20.** 304.06 (1) (d) 4. of the statutes, as affected by 2009 Wisconsin Act
7 28, is amended to read:

8 304.06 (1) (d) 4. If the notice is for a first application for parole or release to
9 extended supervision, the notice shall inform the offices and persons under par. (c)
10 1. to ~~3.~~ 4. that notification of subsequent applications for parole or release to extended
11 supervision will be provided only upon request.

12 **SECTION 21.** 304.06 (1) (e) of the statutes, as affected by 2009 Wisconsin Act 28,
13 is amended to read:

14 304.06 (1) (e) The earned release review commission shall permit any office or
15 person under par. (c) 1. to ~~3.~~ 4. to provide written statements. The earned release
16 review commission shall give consideration to any written statements provided by
17 any such office or person and received on or before the date specified in the notice.
18 This paragraph does not limit the authority of the earned release review commission
19 to consider other statements or information that it receives in a timely fashion.

20 **SECTION 22.** 304.06 (1) (eg) of the statutes, as affected by 2009 Wisconsin Act
21 28, is amended to read:

22 304.06 (1) (eg) The earned release review commission shall permit any person
23 under par. (c) 3. or 4. to attend any interview or hearing on the application for parole
24 or release to extended supervision of an applicable inmate and to make a statement
25 at that interview or hearing.

1 **SECTION 23.** 304.06 (1) (em) of the statutes, as affected by 2009 Wisconsin Act
2 28, is amended to read:

3 304.06 (1) (em) The earned release review commission shall promulgate rules
4 that provide a procedure to allow any person who is a victim, or a family member of
5 a victim, of a crime specified in s. 940.01, 940.03, 940.05, 940.225 (1), (2), or (3),
6 948.02 (1) or (2), 948.025, 948.06 or 948.07 and to allow a person specified under par.
7 (c) 4. to have direct input in the decision-making process for parole or release to
8 extended supervision.

9 **SECTION 24.** 304.063 (2m) of the statutes is created to read:

10 304.063 (2m) Before a prisoner is released on parole under s. 302.11, 304.02,
11 or 304.06 or on extended supervision under s. 302.113 or 302.114, if applicable, for
12 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and
13 the victim was a law enforcement officer, as defined in s. 102.475 (8) (c), the
14 department shall make a reasonable attempt to notify, in accordance with sub. (3),
15 the law enforcement agency on which the officer served and the head of the collective
16 bargaining unit, if any, for that law enforcement agency.

17 **SECTION 25.** 304.063 (3) of the statutes is amended to read:

18 304.063 (3) The department shall make a reasonable attempt to send the
19 notice, postmarked at least 7 days before a prisoner is released on parole or extended
20 supervision, to the last-known address of the persons, agency, or office under sub-
21 subs. (2) and (2m).

22 **SECTION 26.** 304.09 (2) (d) of the statutes is created to read:

23 304.09 (2) (d) If the convict was convicted of an offense under s. 940.01, 940.02,
24 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
25 enforcement officer, as defined in s. 102.475 (8) (c), the law enforcement agency on

1 which the officer served and the head of the collective bargaining unit, if any, for that
2 law enforcement agency.

3 **SECTION 27.** 304.09 (3) of the statutes is amended to read:

4 304.09 (3) The notice shall inform the persons under sub. (2) of the manner in
5 which they may provide written statements or participate in any applicable hearing.
6 The applicant shall serve notice on the persons under sub. (2) (a) and (b) at least 3
7 weeks before the hearing of the application. The governor shall make a reasonable
8 attempt to serve notice on the ~~person~~ persons under sub. (2) (c) and (d) at least 3
9 weeks before the hearing of the application. The notice shall be published at least
10 once each week for 2 successive weeks before the hearing in a newspaper of general
11 circulation in the county where the offense was committed. If there is no such
12 newspaper, the notice shall be posted in a conspicuous place on the door of the
13 courthouse of the county for 3 weeks before the hearing and published once each
14 week for 2 consecutive weeks before the hearing in a newspaper published in an
15 adjoining county. Publication as required in this subsection shall be completed by
16 a date designated by the governor. The date shall be a reasonable time prior to the
17 hearing date.

18 **SECTION 28.** 304.10 (2) of the statutes is amended to read:

19 304.10 (2) When a victim ~~or~~, member of the victim's family, or person specified
20 in s. 304.09 (2) (d) receives notice under s. 304.09 (3), he or she may provide the
21 governor with written statements indicating his or her views regarding the
22 application and stating any circumstances within his or her knowledge in
23 aggravation or extenuation of the applicant's guilt. Upon receipt of any such
24 statement, the governor shall place the statement with the other pardon application
25 papers.

1 **SECTION 29.** 971.17 (4m) (b) 3. of the statutes is created to read:

2 971.17 (**4m**) (b) 3. If the defendant was charged with an offense under s. 940.01,
3 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
4 enforcement officer, as defined in s. 102.475 (8) (c), notify the law enforcement agency
5 on which the officer served and the head of the collective bargaining unit, if any, for
6 that law enforcement agency.

7 **SECTION 30.** 971.17 (4m) (c) of the statutes is amended to read:

8 971.17 (**4m**) (c) The notice under par. (b) shall inform the department of
9 corrections and the ~~person~~ persons under par. (b) 1. and 3. of the defendant's name
10 and conditional release date. The district attorney shall send the notice, postmarked
11 no later than 7 days after the court orders the conditional release under this section,
12 to the department of corrections and to the last-known ~~address~~ addresses of the
13 ~~person~~ persons, agency, or office under par. (b) 1. and 3.

14 **SECTION 31.** 971.17 (6m) (b) 3. of the statutes is created to read:

15 971.17 (**6m**) (b) 3. If the defendant was charged with an offense under s. 940.01,
16 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, or 940.10 and the victim was a law
17 enforcement officer, as defined in s. 102.475 (8) (c), notify the law enforcement agency
18 on which the officer served and the head of the collective bargaining unit, if any, for
19 that law enforcement agency.

20 **SECTION 32.** 971.17 (6m) (c) of the statutes is amended to read:

21 971.17 (**6m**) (c) The notice under par. (b) shall inform the department of
22 corrections and the ~~person~~ persons, agency, or office under par. (b) 1. and 3. of the
23 defendant's name and termination or discharge date. The department of health
24 services shall send the notice, postmarked at least 7 days before the defendant's
25 termination or discharge date, to the department of corrections and to the

1 last-known address addresses of the ~~person~~ persons, agency, or office under par. (b)
2 1. and 3.

3 **SECTION 33. Initial applicability.**

4 (1) This act first applies to a release, placement, or escape that occurs, or a
5 petition that is filed, on the effective date of this subsection.

6 (END)