



State of Wisconsin
2011 - 2012 LEGISLATURE



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**ASSEMBLY AMENDMENT 1,
TO 2011 ASSEMBLY BILL 86**

May 12, 2011 – Offered by COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 7, line 7: delete the material beginning with that line and ending with
3 line 17 and substitute:

4 “**SECTION 14m.** 302.043 of the statutes is created to read:

5 **302.043 Release of inmates serving risk reduction sentences.** (1) When
6 an inmate who is serving a risk reduction sentence imposed under s. 973.031, 2009
7 stats., has served not less than 75 percent of the term of confinement portion of his
8 or her sentence under s. 973.01 and the department determines that he or she has
9 completed the programming or treatment under his or her plan and that the inmate
10 maintained a good conduct record during his or her term of confinement, the
11 department shall notify the sentencing court that the inmate has successfully
12 completed the requirements of his or her risk reduction sentence.

1 **(2)** Upon receipt of notice under sub. (1), the court shall release the inmate to
2 extended supervision.

3 **(3)** Upon receiving a court order releasing the inmate under sub. (2), the
4 department shall release the inmate within 6 working days, as defined in s. 227.01
5 (14) and as computed in s. 990.001 (4).”.

6 **2.** Page 8, line 22: delete that line.

7 **3.** Page 9, line 23: delete “earned release”.

8 **4.** Page 10 line 24: delete that line.

9 **5.** Page 30, line 7: before “973.195 (1r) (d)” insert “973.09 (3m).”.

10 **6.** Page 30, line 9: delete “or” and substitute “, or”.

11 **7.** Page 30, line 13: after that line insert:

12 “**SECTION 87m.** 950.04 (1v) (nx) of the statutes is created to read:

13 950.04 (**1v**) (nx) To attend a hearing on a petition for modification of a term of
14 probation under s. 973.09 (3) (d) and provide a statement to the court concerning
15 modification of the term of probation as provided under s. 973.09 (3m).”.

16 **8.** Page 31, line 7: delete that line and substitute:

17 “**SECTION 93b.** 973.09 (3) (d) of the statutes is renumbered 973.09 (3) (d) (intro.)
18 and amended to read:

19 973.09 (**3**) (d) (intro.) The ~~department~~ court may modify a person’s period of
20 probation and discharge the person from probation if ~~the person has completed 50~~
21 ~~percent of his or her period of probation.~~ all of the following apply:

22 **SECTION 93c.** 973.09 (3) (d) 1. to 6. of the statutes are created to read:

1 973.09 (3) (d) 1. The department petitions the court to discharge the person
2 from probation.

3 2. The probationer has completed 50 percent of his or her period of probation.

4 3. The probationer has satisfied all conditions of probation that were set by the
5 sentencing court.

6 4. The probationer has satisfied all rules and conditions of probation that were
7 set by the department.

8 5. The probationer has fulfilled all financial obligations to his or her victims,
9 the court, and the department, including the payment of any fine, forfeiture, fee or
10 surcharge, or order of restitution.

11 6. The probationer is not required to register under s. 301.45.

12 **SECTION 93f.** 973.09 (3m) of the statutes is created to read:

13 973.09 (3m) (a) In this subsection, “victim” has the meaning given in s. 950.02
14 (4).

15 (b) When a court receives a petition under sub. (3) (d), the clerk of the circuit
16 court shall send a notice of hearing to the victim of the crime committed by the
17 probationer, if the victim has submitted a card under par. (c) requesting notification.
18 The notice shall inform the victim that he or she may appear at any hearing
19 scheduled under sub. (3) (d) and shall inform the victim of the manner in which he
20 or she may provide a statement concerning the modification of the probationer’s term
21 of probation. The clerk of the circuit court shall make a reasonable attempt to send
22 the notice of hearing to the last-known address of the victim, postmarked at least
23 10 days before the date of the hearing.

24 (c) The director of state courts shall design and prepare cards for a victim to
25 send to the clerk of the circuit court for the county in which the probationer was

1 convicted and sentenced. The cards shall have space for a victim to provide his or
2 her name and address, the name of the applicable probationer, and any other
3 information that the director of state courts determines is necessary. The director
4 of state courts shall provide the cards, without charge, to clerks of circuit court.
5 Clerks of circuit court shall provide the cards, without charge, to victims. Victims
6 may send completed cards to the clerk of the circuit court for the county in which the
7 probationer was convicted and sentenced. All court records or portions of records
8 that relate to mailing addresses of victims are not subject to inspection or copying
9 under s. 19.35 (1).”.

10 **9.** Page 31, line 18: delete “Subject to”.

11 **10.** Page 31, line 19: delete “sub. (2),” and substitute “When”.

12 **11.** Page 31, line 19: delete the material beginning with “on or after” and
13 ending with “date],” line 20.

14 **12.** Page 31, line 22: after “2009 stats.,” insert “has served the confinement
15 portion of his or her sentence less positive adjustment time earned between October
16 1, 2009, and the effective date of this subsection [LRB inserts date], he or she.”.

17 **13.** Page 31, line 23: after “section” insert “, based on the number of days of
18 positive adjustment time the inmate claims that he or she has earned”.

19 **14.** Page 31, line 24: delete lines 24 and 25.

20 **15.** Page 32, line 1: delete lines 1 to 4.

21 **16.** Page 32, line 5: delete “sub. (2)” and substitute “sub. (1)”.

22 **17.** Page 32, line 8: delete lines 8 to 10.

