DOA:......Potts, BB0129 – Making a person serving a mandatory minimum sentence eligible for early release

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Reduction of mandatory minimum sentences

Under current law, when a person is sentenced to prison, the person is given a bifurcated sentence, with the first portion of the sentence served in confinement in prison and the second portion of the sentence served in the community on extended supervision. Under current law, the sentencing court may reduce the confinement portion of a bifurcated sentence if the inmate qualifies for a sentence adjustment, earned release, or compassionate release.

In *State v. Grazma*, 2020 WI App 100, the Wisconsin Court of Appeals limited the sentencing court's ability to reduce the confinement portion of a bifurcated sentence if the person was serving a sentence for a crime that carried a mandatory minimum term of confinement. The court held that under the earned release program, an inmate's term of confinement may not be reduced below an applicable mandatory minimum sentence. This bill specifies that an inmate's term of confinement may be reduced below a mandatory minimum if the inmate qualifies for

a reduction based on a sentence adjustment, earned release, or compassionate release.

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

SECTION 1. 973.01 (4m) of the statutes is created to read:

973.01 **(4m)** REDUCTION OF MANDATORY MINIMUM SENTENCE. If a person is serving a bifurcated sentence under sub. (1) that is subject to a mandatory minimum term of confinement, the sentencing court may reduce the term of confinement below the applicable mandatory minimum if the person qualifies for a reduction under under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g), 973.195 (1r), or 973.198.

(END)