
Wisconsin Legislative Council

AMENDMENT MEMO



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2019 Assembly Bill 805

Senate Amendment 1

BACKGROUND

Under current law, a person who has been convicted of a crime and is released into the community either on extended supervision, parole, or probation (commonly referred to as “community supervision”) remains in the custody of the Department of Correction’s (DOC). The person is subject to all conditions and rules of the extended supervision, parole, or probation, including any conditions set by DOC or ordered by the sentencing court. If DOC alleges that a rule or condition of the extended supervision, parole, or probation has been violated, DOC may initiate proceedings to revoke the extended supervision, parole, or probation with the Division of Hearings and Appeals in the Department of Administration.

2019 ASSEMBLY BILL 805

2019 Assembly Bill 805, as passed by the Assembly:¹

- Requires DOC to recommend revocation of a person’s extended supervision, parole, or probation if the person is charged with a felony or a violent misdemeanor while on extended supervision, parole, or probation.
- Provides that if the charges are dismissed or the person is found not guilty of the criminal charges, then the person must be released back to either extended supervision, parole, or probation and provided credit for time served on extended supervision, parole, or probation.
- Exempts from the bill’s provision a person who is participating in DOC’s system of short-term sanctions for violations of conditions of parole, probation, extended supervision, and deferred prosecution agreements. DOC is required to develop short-term sanctions pursuant to 2013 Wisconsin Act 196.

SENATE AMENDMENT 1

Senate Amendment 1 makes the following changes to Assembly Bill 805, as passed by the Assembly.² The amendment:

- Requires DOC to recommend revocation of a person’s extended supervision, parole, or probation if the person is charged with any crime while on extended supervision, parole, or probation.
- Eliminates the provision that specifies that if the charges are dismissed or the person is found not guilty of the criminal charges, the person shall be released back to either extended supervision, parole, or probation and given credit for time served.

¹ The Assembly passed the bill after adopting two amendments, Assembly Amendments 1 and 2.

² Senate Amendment deletes the changes that Assembly Amendment 1 made to the bill.

BILL HISTORY

Senator Fitzgerald offered Senate Amendment 1 on February 19, 2020. On the same day, the Senate adopted Senate Amendment 1 and passed the bill, as amended, on voice votes.

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