
Wisconsin Legislative Council

AMENDMENT MEMO



Memo published: January 24, 2021

Contact: Melissa Schmidt, Principal Attorney

2021 Assembly Bill 842

Assembly Amendment 1

BACKGROUND

Under current law, a person may be discharged early from **probation** after the person has completed 50 percent of his or her probation and has met all of the rules and conditions of probation.

Also, under current law, an inmate may be released from prison to parole or extended supervision if the person meets certain criteria. Specifically, an inmate who is incarcerated and satisfies various eligibility criteria specific to each program, may be released to parole through the Department of Correction's (DOC) **special action release program** to relieve crowding in state prisons or to extended supervision through the **challenge incarceration program, earned release substance abuse program, or compassionate release programs**. However, current law prohibits an inmate from being released early under these four programs if the inmate is incarcerated for various specified violent felonies, specific to each program.

2021 ASSEMBLY BILL 842

Under 2019 Assembly Bill 809, a person is ineligible from being discharged early from probation, released from prison onto parole through the special action release program, or released from prison onto extended supervision through the challenge incarceration program, earned release substance abuse program, or the compassionate release program if the person has committed any of the following offenses:

- A crime that is a “violent felony” under s. 941.29 (1g) (a), Stats. This definition of a violent felony includes more felonies than the violent felonies for which an inmate is currently prohibited from eligibility for release either through the special action release program, challenge incarceration program, earned release substance abuse program, or compassionate release program.
- A crime that is considered a “violent misdemeanor” under s. 941.29 (1g) (b), Stats., other than the crimes against animals listed in this definition.
- A violation of sexual assault of a child, failing to act; causing a child to view or listen to sexual activity; use of a computer to facilitate a child sex crime; or sexual assault of a child by a school staff person or a person who works or volunteers with children.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 makes the following changes to the bill:

- Eliminates the provisions of the bill that apply to the earned release substance abuse program.
- Clarifies that the provisions of the bill apply prospectively to convictions that occur on the effective date of the bill.

BILL HISTORY

Assembly Amendment 1 was introduced on January 18, 2022 by Representative Wichgers. On January 19, 2022, the Assembly Committee on Judiciary voted to recommend adoption of the amendment, by a vote of Ayes, 5; Noes, 3; and passage of the bill, as amended, by votes of Ayes, 5; Noes, 3.

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