

# State of Wisconsin



2019 Assembly Bill 805

Date of enactment:  
Date of publication\*:

## 2019 WISCONSIN ACT

AN ACT *to amend* 302.113 (8m) (a), 302.114 (8m) (a), 304.06 (3) and 973.10 (2) (intro.) of the statutes; **relating to**: recommendation to revoke parole, probation, and extended supervision if a person is charged with a crime.

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

**SECTION 1.** 302.113 (8m) (a) of the statutes is amended to read:

302.113 (8m) (a) Every person released to extended supervision under this section remains in the legal custody of the department. If the department alleges that any condition or rule of extended supervision has been violated by the person, the department may take physical custody of the person for the investigation of the alleged violation. If a person on extended supervision, other than a person participating in the system developed under s. 301.03 (3) (a), is charged with a crime, the department shall recommend that the person's extended supervision be revoked.

**SECTION 2.** 302.114 (8m) (a) of the statutes is amended to read:

302.114 (8m) (a) Every person released to extended supervision under this section remains in the legal custody of the department. If the department alleges that any condition or rule of extended supervision has been violated by the person, the department may take physical custody of the person for the investigation of the alleged violation. If a person on extended supervision, other than a person participating in the system developed under s. 301.03 (3) (a), is charged with a crime, the department

shall recommend that the person's extended supervision be revoked.

**SECTION 3.** 304.06 (3) of the statutes is amended to read:

304.06 (3) Every paroled prisoner remains in the legal custody of the department unless otherwise provided by the department. If the department alleges that any condition or rule of parole has been violated by the prisoner, the department may take physical custody of the prisoner for the investigation of the alleged violation. If the department is satisfied that any condition or rule of parole has been violated it shall afford the prisoner such administrative hearings as are required by law. If a paroled prisoner, other than a prisoner participating in the system developed under s. 301.03 (3) (a), is charged with a crime, the department shall recommend that the prisoner's parole be revoked. Unless waived by the parolee, the final administrative hearing shall be held before a hearing examiner from the division of hearings and appeals in the department of administration who is licensed to practice law in this state. The hearing examiner shall enter an order revoking or not revoking parole. Upon request by either party, the administrator of the division of hearings and appeals shall review the order. The hearing examiner may order that a deposition be taken by audiovisual means and allow the use of a recorded deposition under

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

s. 967.04 (7) to (10). If the parolee waives the final administrative hearing, the secretary of corrections shall enter an order revoking or not revoking parole. If the examiner, the administrator upon review, or the secretary in the case of a waiver finds that the prisoner has violated the rules or conditions of parole, the examiner, the administrator upon review, or the secretary in the case of a waiver, may order the prisoner returned to prison to continue serving his or her sentence, or to continue on parole. If the prisoner claims or appears to be indigent, the department shall refer the prisoner to the authority for indigency determinations specified under s. 977.07 (1).

**SECTION 4.** 973.10 (2) (intro.) of the statutes is amended to read:

973.10 (2) (intro.) If a probationer violates the conditions of probation, the department of corrections may initiate a proceeding before the division of hearings and

appeals in the department of administration. If a probationer, other than a probationer participating in the system developed under s. 301.03 (3) (a), is charged with a crime, the department shall recommend that the person's probation be revoked. Unless waived by the probationer, a hearing examiner for the division shall conduct an administrative hearing and enter an order either revoking or not revoking probation. Upon request of either party, the administrator of the division shall review the order. If the probationer waives the final administrative hearing, the secretary of corrections shall enter an order either revoking or not revoking probation. If probation is revoked, the department shall:

**SECTION 5. Initial applicability.**

(1) This act first applies to charges that are filed on the effective date of this subsection.

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