

1       **AN ACT** *to create* 302.042 and 973.031 of the statutes; **relating to:** risk reduction  
 2           sentence.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the Joint Legislative Council’s Special Committee on Justice Reinvestment Initiative Oversight.

The draft permits a court to order a risk reduction sentence for a person who has been convicted of a felony if the person agrees to all of the following:

1. To cooperate in an assessment of the person’s risk of re–offending and risk to community safety.
2. To participate in any programming or treatment ordered by the Department of Corrections to address issues raised in any risk assessment conducted by the department.

The draft requires the Department of Corrections to conduct a risk assessment of any person under a risk reduction sentence and requires the department to provide programming and treatment to address the risks and needs identified in the risk assessment.

Within 30 days after completing the risk assessment, the department must notify the sentencing court of the results of the risk assessment and the treatment and programming the department will require the person to complete.

If the department determines that a person has successfully completed a risk reduction sentence, the department must release the person to extended supervision after the person has served 75% of the person’s term of confinement and must notify the court that the person has successfully completed the risk reduction sentence.

3           **SECTION 1.** 302.042 of the statutes is created to read:

4           **302.042 (1)** The department shall provide risk reduction programming and treatment  
 5           for an inmate sentenced to a risk reduction sentence under s. 973.031.

1           (2) The department shall do all of the following for a person who is sentenced to a risk  
2 reduction sentence:

3           (a) Conduct a risk assessment to assess the person's risk of re-offending using a valid,  
4 reliable, and objective instrument.

5           (b) Provide programming and treatment to the person to address risks and needs  
6 identified in the risk assessment.

7           (3) Within 30 days after the department has completed a risk assessment of an inmate  
8 under this section, the department shall notify the sentencing court of the results of the risk  
9 assessment and the treatment and programming the department will require the inmate to  
10 complete during the inmate's term of confinement.

11           (4) If the department determines that an inmate serving a sentence imposed under s.  
12 973.031 has successfully completed the assessment and treatment or programming required  
13 by the department, the department shall release the inmate to extended supervision after he  
14 or she has served 75% of the term of confinement portion of the sentence imposed under s.  
15 973.01. The department shall notify the court at least 30 days before the inmate has served  
16 75% of the term of confinement portion of the inmate's bifurcated sentence that the inmate  
17 has successfully completed the requirements of the risk reduction sentence.

**NOTE:** This SECTION provides that the Department of Corrections must provide a risk assessment and risk reduction programming and treatment for an inmate sentenced to a risk reduction sentence. A risk reduction sentence is a sentence that a court may order if a person convicted of a felony agrees to all of the following:

1. To cooperate in an assessment of the person's risk of re-offending.
2. To participate in any programming or treatment ordered by the Department of Corrections to address issues raised in any risk assessment.

Following the imposition of a risk reduction sentence, the Department of Corrections must conduct a risk assessment and provide appropriate

programming and treatment to the convicted person. Within 30 days after the risk assessment has been completed, the Department of Corrections must notify the sentencing court of the results of the risk assessment and of the treatment and programming the department will require the inmate to complete during an inmate's term of confinement. If the Department of Corrections determines that an inmate serving a risk reduction sentence has successfully completed the required assessment and treatment or programming, the department must release the inmate to extended supervision after the inmate has served 75% of the confinement portion of his or her sentence. The department must notify the sentencing court at least 30 days before the inmate has served 75% of the term of confinement that the inmate has successfully completed the risk reduction sentence.

**COMMENT:** 1. Should the court have the authority to rescind a risk reduction sentence after receipt of the Department of Corrections' notice that it has completed a risk assessment and determined the necessary treatment and programming for an inmate?

2. If an inmate's term of confinement is modified so that it equals 75% of the term of confinement portion of the bifurcated sentence, should that portion of the term of confinement that has been reduced be added to the term of extended supervision and how should that addition be accommodated with the general limit on extended supervision included in WLC: 0425/1?

3. Should the draft require the Department of Corrections to implement evidence-based programs by 2011 for inmates serving a risk reduction sentence?

1           **SECTION 2.** 973.031 of the statutes is created to read:

2           **973.031 Risk reduction sentence.** When a court sentences a person who is convicted  
3 of a felony to imprisonment in a state prison, the court may order the person to serve a risk  
4 reduction sentence if the person agrees to all of the following:

5           (a) To cooperate in an assessment of the person's risk of re-offending.

6           (b) To participate in any programming or treatment ordered by the department to  
7 address issues raised in any risk assessment under par. (a).

**NOTE:** This SECTION permits a court to sentence a person convicted of a felony to a risk reduction sentence.

**COMMENT:** Should a person who receives a prison sentence for one or more misdemeanors be eligible for a risk reduction sentence?

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**(END)**