

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 court determines that a risk reduction sentence is appropriate and if the person agrees to all of the following:

1. To cooperate in an assessment of the person’s criminogenic needs and risk of re-offending.
2. To participate in any programming or treatment ordered by the Department of Corrections (DOC) to address issues raised in any risk assessment conducted by the department.

The draft requires DOC to conduct a criminogenic needs and 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.

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, to that point, 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.

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

1 (a) Conduct a validated and objective assessment of the person's criminogenic needs
2 and risk of re-offending.

3 (b) Provide programming and treatment to the person to address risks and needs
4 identified in the assessment under par. (a).

5 (3) If the department determines that an inmate serving a sentence imposed under s.
6 973.031 has successfully completed the assessment and treatment or programming required
7 by the department under sub. (2), the department shall release the inmate to extended
8 supervision after he or she has served 75% of the term of confinement portion of the sentence
9 imposed under s. 973.01. The department shall notify the court at least 30 days before the
10 inmate has served 75% of the term of confinement portion of the inmate's bifurcated sentence
11 that the inmate has, to that point, successfully completed the requirements of the risk reduction
12 sentence.

NOTE: This SECTION provides that DOC must provide a risk and needs 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 the court determines it is appropriate and if a person convicted of a felony agrees to all of the following:

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

Following the imposition of a risk reduction sentence, the DOC must conduct a needs and risk assessment and provide appropriate programming and treatment to the convicted person. If the DOC determines that an inmate serving a risk reduction sentence has successfully completed the required assessment and treatment or programming, the DOC must release the inmate to extended supervision after the inmate has served 75% of the confinement portion of his or her sentence. The DOC must notify the sentencing court at least 30 days before the inmate has served 75% of the term of confinement that the inmate has, to that point, successfully completed the 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 court determines that a risk reduction sentence is appropriate and if
5 the person agrees to all of the following:

6 (1) To cooperate in an assessment of the person's criminogenic needs and risk of
7 re-offending.

8 (2) To participate in any programming or treatment ordered by the department to
9 address issues raised in any needs and risk assessment under sub. (1).

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

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(END)