



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6555/P2
MJW:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 302.05 (title), 302.05 (1) (am) (intro.), 302.05 (1) (b), 302.05 (2),
2 302.05 (3) (b), 302.05 (3) (c) 2. (intro.) and 302.05 (3) (d); and **to create** 302.05
3 (1) (c), 302.05 (4) and 302.05 (5) of the statutes; **relating to:** earned release for
4 inmates upon the completion of a vocational readiness training program and
5 granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill adds inmates who complete a vocational readiness training program while incarcerated to the earned release program. Under current law, if an eligible inmate successfully completes a substance abuse treatment program, the inmate becomes eligible for parole or release to extended supervision regardless of the time the inmate has served. Under the bill, an inmate may become eligible for parole or release to extended supervision regardless of the time the inmate has served if, while incarcerated, he or she successfully completes an educational, vocational training, employment, career exploration, or other equivalent evidence-based program intended to lead to employment and reduce recidivism. Under the bill, an inmate may qualify to participate in the earned release program if he or she is incarcerated for a crime other than a violent crime and if the Department of Corrections or the sentencing court determines that the inmate is eligible.

The bill requires DOC to prepare an annual report on the vocational readiness training program that includes data on participation, the rates of recidivism of participants, and the cost savings that resulted from the program.

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

1 **SECTION 1.** 302.05 (title) of the statutes is amended to read:

2 **302.05** (title) **Wisconsin substance abuse program earned release**
3 **program.**

4 **SECTION 2.** 302.05 (1) (am) (intro.) of the statutes is amended to read:

5 302.05 (1) (am) (intro.) The department of ~~corrections~~ and the department of
6 health services may designate a section of a mental health institute as a correctional
7 treatment facility for the treatment of substance abuse use disorder of inmates
8 transferred from Wisconsin state prisons. ~~This section shall be administered by the~~
9 ~~department of corrections and shall be known as the Wisconsin substance abuse~~
10 ~~program.~~ The department of ~~corrections~~ and the department of health services shall
11 ensure that the residents at the institution and the residents in the substance abuse
12 use disorder program:

NOTE: This bill draft changes the title of the program to the "Earned Release Program," so that all statutory references to the program are consistent. The draft also makes nonsubstantive language changes to refer to "substance use disorder," rather than "substance abuse," to reflect terminology currently used in the field.

13 **SECTION 3.** 302.05 (1) (b) of the statutes is amended to read:

14 302.05 (1) (b) The department of ~~corrections~~ and the department of health
15 services shall, at any correctional facility the departments determine is appropriate,
16 provide a substance abuse use disorder treatment program for inmates for the
17 purposes of the program described in sub. (3).

18 **SECTION 4.** 302.05 (1) (c) of the statutes is created to read:

1 302.05 (1) (c) 1. In this paragraph, “vocational readiness training program”
2 means an educational, vocational training, employment, career exploration, or other
3 equivalent evidence-based program intended to lead to employment and reduce
4 recidivism.

5 2. The department shall, at any correctional facility the department
6 determines is appropriate, provide vocational readiness training programs for the
7 purposes of the program described in sub. (3).

NOTE: This bill draft creates a definition of “vocational readiness training program” and provides that eligible inmates who complete such a program will be paroled under supervision or have their remaining confinement time converted into extended supervision time.

***NOTE: Does the definition of “vocational readiness training program” reflect the committee’s intent?

***NOTE: Does the committee wish to further narrow the programs that would qualify an individual for the Earned Release Program (ERP) in statute? Or, does the committee wish to leave further determinations for DOC to promulgate within administrative rules?

8 **SECTION 5.** 302.05 (2) of the statutes is amended to read:

9 302.05 (2) Transfer to a correctional treatment facility for the treatment of
10 substance ~~abuse~~ use disorder shall be considered a transfer under s. 302.18.

11 **SECTION 6.** 302.05 (3) (b) of the statutes is amended to read:

12 302.05 (3) (b) Except as provided in par. (d), if the department determines that
13 an eligible inmate serving a sentence other than one imposed under s. 973.01 has
14 successfully completed a substance use disorder treatment program described in
15 sub. (1) (am) or (b) or a vocational readiness training program described in sub. (1)
16 (c), the parole commission shall parole the inmate for that sentence under s. 304.06,
17 regardless of the time the inmate has served. If the parole commission grants parole
18 under this paragraph for the completion of a substance use disorder treatment

1 program, it shall require the parolee to participate in an intensive supervision
2 program for drug abusers as a condition of parole.

3 **SECTION 7.** 302.05 (3) (c) 2. (intro.) of the statutes is amended to read:

4 302.05 (3) (c) 2. (intro.) Upon being informed by the department under subd.
5 1. that an inmate whom the court sentenced under s. 973.01 has successfully
6 completed a substance use disorder treatment program described in sub. (1) (am) or
7 (b) or a vocational readiness training program described in sub. (1) (c), the court shall
8 modify the inmate's bifurcated sentence as follows:

9 **SECTION 8.** 302.05 (3) (d) of the statutes is amended to read:

10 302.05 (3) (d) The department may place intensive sanctions program
11 participants in a treatment program described in sub. (1) (am) or (b), but pars. (b) and
12 (c) do not apply to those participants.

13 **SECTION 9.** 302.05 (4) of the statutes is created to read:

14 302.05 (4) (a) In this subsection, "recidivism" means any of the following:

15 1. A return to prison upon revocation of extended supervision, parole, or
16 probation.

17 2. A conviction for a crime that was committed within 3 years of release from
18 confinement.

19 (b) No later than June 15 of each year, the department shall submit a report
20 on vocational readiness training programs provided under sub. (1) (c) in which
21 participants qualified for earned release under sub. (3) to the governor, the chief
22 clerk of each house of the legislature for distribution to the appropriate standing
23 committees under s. 13.172 (3), and the director of state courts. The report shall
24 include all of the following data:

1 1. A list of available vocational readiness training programs and the number
2 of participants in each vocational readiness training program.

3 2. The number of eligible inmates who are on the waiting list for participation
4 in a vocational readiness training program and the department's methodology for
5 selecting participants from the waiting list.

6 3. The rate of recidivism among individuals who earned release through
7 completion of a vocational readiness training program and whether the recidivism
8 event was a return to prison upon revocation of release, as described under par. (a)
9 1., or was a conviction for a misdemeanor or felony, as described under par. (a) 2. The
10 department shall report this data by region and shall include demographic
11 information.

12 4. An accounting of the cost savings for the preceding 12-month period that
13 resulted from reduced terms of confinement in prison for participants in the earned
14 release program who were released to extended supervision or parole for completion
15 of a vocational readiness training program.

NOTE: This bill draft requires DOC to submit a report every year providing data on 1) the number of available vocational readiness training programs (VRTP) that qualify for the ERP; 2) the number of individuals participating in each VRTP; 3) the number of eligible individuals on the waiting list for a VRTP; 4) DOC's methods for selecting individuals from the waiting list; 5) the recidivism rate for those released following a VRTP, reported by region and demographics; 6) whether recidivism by individuals released after a VRTP was because of a revocation or because of a new misdemeanor or felony conviction, reported by region and demographics; and 7) the resulting cost savings from releasing individuals on supervision rather than keeping them confined in prison.

****NOTE: Does this list include all items the committee wishes DOC to report about the VRTP?

****NOTE: Does the committee wish to make this an annual reporting requirement?

16 **SECTION 10.** 302.05 (5) of the statutes is created to read:

17 302.05 (5) The department shall promulgate rules necessary to implement the
18 earned release program under this section.

