



State of Wisconsin  
2025 - 2026 LEGISLATURE

LRB-1596/1

CMH:emw

## 2025 ASSEMBLY BILL 85

February 28, 2025 - Introduced by Representatives B. JACOBSON, DONOVAN, DUCHOW, MAXEY, MURPHY, PENTERMAN, WICHGERS and KNODL, cosponsored by Senators HUTTON, BRADLEY, JACQUE, NASS, TOMCZYK, JAMES and WANGGAARD. Referred to Committee on Judiciary.

**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 extended supervision, parole, or probation if a person is charged with a crime.

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***Analysis by the Legislative Reference Bureau***

Under current law, a person who is released on extended supervision, parole, or probation is subject to conditions or rules of the release. If the person violates a condition or rule, the person is subject to sanctions for the violation, which may include revocation of release. This bill requires the Department of Corrections to recommend revoking a person's extended supervision, parole, or probation if the person is charged with a crime while on release.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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***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

**ASSEMBLY BILL 85****SECTION 1**

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 the person 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 the person 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 the prisoner 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

**ASSEMBLY BILL 85****SECTION 3**

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 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 the probationer 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,

**ASSEMBLY BILL 85****SECTION 4**

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) The treatment of ss. 302.113 (8m) (a), 302.114 (8m) (a), 304.06 (3), and 973.10 (2) (intro.) first applies to charges that are filed on the effective date of this subsection.

**(END)**