



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBb0124/2
EAW&MLJ:emw

**ASSEMBLY AMENDMENT 7,
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 68**

June 29, 2021 - Offered by Representatives BOWEN, GOYKE, ANDERSON, ANDRACA, BALDEH, BILLINGS, BROSTOFF, CABRERA, CONLEY, CONSIDINE, DOYLE, DRAKE, EMERSON, HAYWOOD, HEBL, HESSELBEIN, HINTZ, HONG, MCGUIRE, B. MEYERS, MILROY, MOORE OMOKUNDE, L. MYERS, NEUBAUER, OHNSTAD, ORTIZ-VELEZ, POPE, RIEMER, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK, VINING and VRUWINK.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 8, line 9: after that line insert:

3 “**SECTION 9m.** 15.257 (3) of the statutes is created to read:

4 15.257 (3) SENTENCING REVIEW COUNCIL. There is created in the department of
5 justice a sentencing review council. The governor shall determine membership of
6 and make appointments to the council.”

7 **2.** Page 125, line 11: increase the dollar amount for fiscal year 2021-22 by
8 \$1,039,200 and increase the dollar amount for fiscal year 2022-23 by \$2,078,300 for
9 the purpose of expanding available options for residential community alternatives
10 to revocation by 50 additional beds, to include placement in a specialized treatment
11 program, a residential services program, or a residential treatment center.

1 **3.** Page 126, line 14: increase the dollar amount for fiscal year 2021-22 by
 2 \$250,000 and increase the dollar amount for fiscal year 2022-23 by \$250,000 for the
 3 purpose of expanding the Windows to Work program to Columbia Correctional
 4 Institution, Waupun Correctional Institution, and the Wisconsin Secure Program
 5 Facility, to include 90 additional participants per year.

6 **4.** Page 126, line 14: increase the dollar amount for fiscal year 2021-22 by
 7 \$2,179,400 and increase the dollar amount for fiscal year 2022-23 by \$2,905,800 for
 8 the purpose of expanding Opening Avenues to Reentry Success programs by 167
 9 average daily participants in counties with existing programs.

10 **5.** Page 126, line 14: increase the dollar amount for fiscal year 2021-22 by
 11 \$75,000 and increase the dollar amount for fiscal year 2022-23 by \$100,000 for the
 12 purpose of transferring the amounts in the schedule under s. 20.435 (2) (kp) to
 13 increase the authorized FTE positions for the department of health services by 1.0
 14 GPR position to staff the Opening Avenues to Reentry Success program as provided
 15 under SECTION 9119 (1m).

16 **6.** Page 128, line 8: after that line insert:
 17 “(ki) Training programs for inmates,
 18 recidivism reduction services,
 19 and community supervision PR-S C -0- -0-”.

20 **7.** Page 140, line 7: after that line insert:
 21 “(kp) Opening Avenues to Reentry
 22 Success program PR-S C 75,000 100,000”.

1 **8.** Page 166, line 15: increase the dollar amount for fiscal year 2021-22 by
 2 \$221,400 and increase the dollar amount for fiscal year 2022-23 by \$273,500 for the
 3 purpose of increasing the authorized FTE positions for the department of justice by
 4 3.0 GPR positions to administer and evaluate the treatment alternatives and
 5 diversion grant program and the drug court grant program.

6 **9.** Page 166, line 15: increase the dollar amount for fiscal year 2022-23 by
 7 \$352,400 for the purpose of increasing the authorized FTE positions for the
 8 department of justice by 2.0 GPR positions to expand the treatment alternatives and
 9 diversion grant program.

10 **10.** Page 167, line 19: delete lines 19 to 22 and substitute:

11 “(em) Grants for alternatives to prose-
 12 cution and incarceration GPR A 5,150,000 19,767,600”

13 **11.** Page 167, line 22: after that line insert:

14 “(eq) Violence interruption grant pro-
 15 gram; ongoing funding GPR A -0- 1,000,000”.

16 **12.** Page 169, line 21: delete lines 21 to 24 and substitute:

17 “(kn) Alternatives to prosecution and
 18 incarceration; justice informa-
 19 tion fee PR-S A 1,218,900 1,218,900”.

20 **13.** Page 246, line 25: after that line insert:

21 “**SECTION 60m.** 20.410 (1) (ds) of the statutes is amended to read:
 22 20.410 (1) (ds) *Becky Young Community Corrections; recidivism reduction*
 23 *community services.* The amounts in the schedule to provide services under s.

1 301.068 to persons who are on probation, or who are soon to be or are currently on
2 parole or extended supervision, following a felony conviction, in an effort to reduce
3 recidivism, and to transfer to the appropriation account under s. 20.435 (2) (kp) the
4 amounts in the schedule under s. 20.435 (2) (kp)."

5 **14.** Page 247, line 1: before that line insert:

6 "SECTION 60c. 20.410 (1) (a) of the statutes is amended to read:

7 20.410 (1) (a) *General program operations.* The amounts in the schedule to
8 operate institutions and provide field services and administrative services. No
9 payments may be made under this paragraph for payments in accordance with other
10 states party to the interstate corrections compact under s. 302.25. Annually, there
11 is transferred from this appropriation account to the appropriation account under
12 par. (ki) the amount of cost savings attributable to this account reported under ss.
13 301.03 (6s) (a) and 302.05 (4) (b) 4., and the amount of cost savings attributable to
14 this account from reduced days of incarceration that resulted from the earned
15 compliance credit under s. 973.156, as reported by the department under s. 301.03
16 (6s) (b).

17 SECTION 60d. 20.410 (1) (ab) of the statutes is amended to read:

18 20.410 (1) (ab) *Corrections contracts and agreements.* The amounts in the
19 schedule for payments made in accordance with contracts entered into under ss.
20 301.21, 302.25, and 302.27 (1), contracts entered into with the federal government
21 under 18 USC 5003, and intra-agency agreements relating to the placement of
22 prisoners. Annually, there is transferred from this appropriation account to the
23 appropriation account under par. (ki) the amount of cost savings attributable to this
24 account reported under ss. 301.03 (6s) (a) and 302.05 (4) (b) 4., and the amount of cost

1 savings attributable to this account from reduced days of incarceration that resulted
2 from the earned compliance credit under s. 973.156, as reported by the department
3 under s. 301.03 (6s) (b).

4 **SECTION 60e.** 20.410 (1) (b) of the statutes is amended to read:

5 20.410 (1) (b) *Services for community corrections.* The amounts in the schedule
6 to provide services related to probation, extended supervision and parole, the
7 intensive sanctions program under s. 301.048, the community residential
8 confinement program under s. 301.046, programs of intensive supervision of adult
9 offenders and minimum security correctional institutions established under s.
10 301.13. No payments may be made under this paragraph for payments in accordance
11 with other states party to the interstate corrections compact under s. 302.25.
12 Annually, there is transferred from this appropriation account to the appropriation
13 account under par. (ki) the amount of cost savings from reduced days of community
14 supervision that resulted from the earned compliance credit under s. 973.156 and
15 early discharge from extended supervision under s. 973.01 (5m), as reported by the
16 department under s. 301.03 (6s) (b).

17 **SECTION 60f.** 20.410 (1) (ki) of the statutes is created to read:

18 20.410 (1) (ki) *Training programs for inmates, recidivism reduction services,*
19 *and community supervision.* All moneys transferred from the appropriation
20 accounts under pars. (a), (ab), and (b) to provide vocational readiness training
21 programs that qualify for the earned release program under s. 302.05, to provide
22 services to persons who are on probation, or who are soon to be or are currently on
23 parole or extended supervision, following a felony conviction, in an effort to reduce
24 recidivism, and to reduce caseloads for community supervision officers.”.

1 **15.** Page 247, line 9: after that line insert:

2 “**SECTION 64m.** 20.435 (2) (kp) of the statutes is created to read:

3 “20.435 (2) (kp) *Opening Avenues to Reentry Success program.* The amounts
4 in the schedule to staff the Opening Avenues to Reentry Success program. All
5 moneys transferred from the appropriation account under s. 20.410 (1) (ds) shall be
6 credited to this appropriation account.”.

7 **16.** Page 248, line 21: after that line insert:

8 “**SECTION 70m.** 20.455 (2) (em) (title) of the statutes is amended to read:

9 20.455 (2) (em) (title) *Alternatives Grants for alternatives to prosecution and*
10 *incarceration for persons who use alcohol or other drugs; presentencing assessments.*

11 **SECTION 70p.** 20.455 (2) (eq) of the statutes is created to read:

12 20.455 (2) (ep) *Violence interruption grant program; ongoing funding.* The
13 amounts in the schedule for the violence interruption grant program under s.
14 165.988.

15 **SECTION 70r.** 20.455 (2) (f) of the statutes is amended to read:

16 20.455 (2) (f) *School safety.* As a continuing appropriation, the amounts in the
17 schedule to provide grants under s. 165.88 (2) and to make the transfer required
18 under 2021 Wisconsin Act ... (this act), section 9227 (1r).”.

19 **17.** Page 249, line 3: after that line insert:

20 “**SECTION 71m.** 20.455 (2) (kn) (title) of the statutes is amended to read:

21 20.455 (2) (kn) (title) *Alternatives to prosecution and incarceration for persons*
22 *who use alcohol or other drugs; justice information fee.*

23 **SECTION 71p.** 20.455 (2) (ks) of the statutes is created to read:

1 20.455 (2) (ks) *Violence interruption grant program; initial funding.* All
2 moneys transferred under 2021 Wisconsin Act (this act), section 9227 (1r), for the
3 violence interruption grant program under s. 165.988.”.

4 **18.** Page 281, line 23: after that line insert:

5 **SECTION 191c.** 48.02 (1d) of the statutes is amended to read:

6 48.02 (1d) “Adult” means a person who is 18 years of age or older, ~~except that~~
7 ~~for purposes of investigating or prosecuting a person who is alleged to have violated~~
8 ~~any state or federal criminal law or any civil law or municipal ordinance, “adult”~~
9 ~~means a person who has attained 17 years of age.~~

10 **SECTION 191e.** 48.02 (2) of the statutes is amended to read:

11 48.02 (2) “Child,” when used without further qualification, means a person who
12 is less than 18 years of age, ~~except that for purposes of investigating or prosecuting~~
13 ~~a person who is alleged to have violated a state or federal criminal law or any civil~~
14 ~~law or municipal ordinance, “child” does not include a person who has attained 17~~
15 ~~years of age.”.~~

16 **19.** Page 282, line 18: after that line insert:

17 **SECTION 194c.** Subchapter IX (title) of chapter 48 [precedes 48.44] of the
18 statutes is amended to read:

CHAPTER 48

SUBCHAPTER IX

JURISDICTION OVER PERSON ~~17~~

OR OLDER ADULTS

23 **SECTION 194d.** 48.44 of the statutes is amended to read:

1 **48.44 Jurisdiction over persons ~~17 or older adults~~.** The court has
2 jurisdiction over ~~persons 17 years of age or older adults~~ as provided under ss. 48.133,
3 48.355 (4), 48.357 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in
4 this chapter.

5 **SECTION 194e.** 48.45 (1) (a) of the statutes is amended to read:

6 48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition
7 described in s. 48.13 it appears that any ~~person 17 years of age or older adult~~ has been
8 guilty of contributing to, encouraging, or tending to cause by any act or omission,
9 ~~such that~~ condition of the child, the judge may make orders with respect to the
10 conduct of ~~such that~~ person in his or her relationship to the child, including orders
11 determining the ability of the person to provide for the maintenance or care of the
12 child and directing when, how, and from where funds for the maintenance or care
13 shall be paid.

14 **SECTION 194f.** 48.45 (1) (am) of the statutes is amended to read:

15 48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn
16 child's expectant mother alleged to be in a condition described in s. 48.133 it appears
17 that any ~~person 17 years of age or over adult~~ has been guilty of contributing to,
18 encouraging, or tending to cause by any act or omission, ~~such that~~ condition of the
19 unborn child and expectant mother, the judge may make orders with respect to the
20 conduct of ~~such that~~ person in his or her relationship to the unborn child and
21 expectant mother.

22 **SECTION 194g.** 48.45 (3) of the statutes is amended to read:

23 48.45 (3) If it appears at a court hearing that any ~~person 17 years of age or older~~
24 adult has violated s. 948.40, the judge shall refer the record to the district attorney
25 for criminal proceedings as may be warranted in the district attorney's judgment.

1 This subsection does not prevent prosecution of violations of s. 948.40 without the
2 prior reference by the judge to the district attorney, as in other criminal cases.”.

3 **20.** Page 337, line 10: after that line insert:

4 “**SECTION 351m.** 118.163 (4) of the statutes is amended to read:

5 118.163 (4) A person who is ~~under 17 years of age~~ a minor on the date of
6 disposition is subject to s. 938.342.”.

7 **21.** Page 340, line 3: after that line insert:

8 “**SECTION 361a.** 125.07 (4) (d) of the statutes is amended to read:

9 125.07 (4) (d) A person who is ~~under 17 years of age~~ a minor on the date of
10 disposition is subject to s. 938.344 unless proceedings have been instituted against
11 the person in a court of civil or criminal jurisdiction after dismissal of the citation
12 under s. 938.344 (3).

13 **SECTION 361b.** 125.07 (4) (e) 1. of the statutes is amended to read:

14 125.07 (4) (e) 1. In this paragraph, “defendant” means a person found guilty
15 of violating par. (a) or (b) who is ~~17, 18, 19 or 20~~ an adult under 21 years of age.

16 **SECTION 361c.** 125.085 (3) (bt) of the statutes is amended to read:

17 125.085 (3) (bt) A person who is ~~under 17 years of age~~ a minor on the date of
18 disposition is subject to s. 938.344 unless proceedings have been instituted against
19 the person in a court of civil or criminal jurisdiction after dismissal of the citation
20 under s. 938.344 (3).”.

21 **22.** Page 340, line 9: after that line insert:

22 “**SECTION 362ag.** 165.27 of the statutes is created to read:

23 **165.27 Sentencing review council.** The sentencing review council shall do
24 all of the following:

1 (1) Study criminal penalties and make recommendations for reforming the
2 criminal code.

3 (2) Study whether sentences for similar offenses and circumstances are
4 consistent and make recommendations to ensure that sentences are equitable.

5 (3) Study and make recommendations regarding the state's bifurcated
6 sentencing structure.

7 (4) Review and make recommendations regarding sentences for violations
8 committed by individuals age 18 to 25.”.

9 **23.** Page 340, line 9: after that line insert:

10 “**SECTION 362am.** 165.83 (1) (c) 1. of the statutes is amended to read:

11 165.83 (1) (c) 1. An act that is committed by ~~a person who has attained the age~~
12 ~~of 17~~ an adult and that is a felony or a misdemeanor.

13 **SECTION 362an.** 165.83 (1) (c) 2. of the statutes is amended to read:

14 165.83 (1) (c) 2. An act that is committed by a person minor who has attained
15 the age of 10 ~~but who has not attained the age of 17~~ and that would be a felony or
16 misdemeanor if committed by an adult.”.

17 **24.** Page 340, line 9: after that line insert:

18 “**SECTION 362az.** 165.95 (title) of the statutes is amended to read:

19 **165.95** (title) **Alternatives to prosecution and incarceration; grant**
20 **program.**

21 **SECTION 362b.** 165.95 (1) (ac) of the statutes is created to read:

22 165.95 (1) (ac) “Evidence-based practice” means a practice that has been
23 developed using research to determine its efficacy for achieving positive measurable
24 outcomes, including reducing recidivism and increasing public safety.

1 **SECTION 362c.** 165.95 (2) of the statutes is amended to read:

2 165.95 (2) The department of justice shall make grants to counties and to tribes
3 to enable them to establish and operate programs, including suspended and deferred
4 prosecution programs and programs based on principles of restorative justice, that
5 provide alternatives to prosecution and incarceration for criminal offenders who
6 ~~abuse alcohol or other drugs.~~ The department of justice shall make the grants from
7 the appropriations under s. 20.455 (2) (ek), (em), (jd), (kn), and (kv). The department
8 of justice shall collaborate with the departments of corrections and health and family
9 services in establishing this grant program.

10 **SECTION 362d.** 165.95 (2r) of the statutes is repealed.

11 **SECTION 362e.** 165.95 (3) (a) of the statutes is repealed.

12 **SECTION 362f.** 165.95 (3) (ag) of the statutes is created to read:

13 165.95 (3) (ag) The program operates within the continuum from arrest to
14 discharge from supervision and provides an alternative to prosecution, revocation,
15 or incarceration through the use of pre-charge and post-charge diversion programs
16 or treatment courts and community-based corrections.

17 **SECTION 362g.** 165.95 (3) (b) of the statutes is amended to read:

18 165.95 (3) (b) The program employs evidence-based practices and is designed
19 to promote and facilitate the implementation of effective criminal justice policies and
20 practices that maximize justice and public and victim safety, reduce prison and jail
21 populations, reduce prosecution and incarceration costs, and reduce recidivism, ~~and~~
22 ~~improve the welfare of participants' families by meeting the comprehensive needs of~~
23 ~~participants.~~

24 **SECTION 362h.** 165.95 (3) (bd) of the statutes is created to read:

1 165.95 (3) (bd) The program identifies each target population served by the
2 program and identifies the evidence-based practices the program employs for each
3 target population it serves.

4 **SECTION 362i.** 165.95 (3) (cm) 2. of the statutes is created to read:

5 165.95 (3) (cm) 2. If the program is administered by a tribe, the criminal justice
6 oversight committee shall consist of a representative of the judiciary, a
7 representative of criminal prosecution and criminal defense, a social services
8 provider, a behavioral health treatment provider, a law enforcement officer, a
9 representative of corrections, and other members that the oversight committee
10 determines are appropriate to the program.

11 **SECTION 362j.** 165.95 (3) (d) of the statutes is amended to read:

12 165.95 (3) (d) Services provided under the program are consistent with
13 evidence-based practices ~~in substance abuse and mental health treatment, as~~
14 ~~determined by the department of health services,~~ and the program provides
15 intensive case management.

16 **SECTION 362k.** 165.95 (3) (e) of the statutes is amended to read:

17 165.95 (3) (e) The program uses graduated sanctions and incentives to promote
18 ~~successful substance abuse treatment~~ success.

19 **SECTION 362L.** 165.95 (3) (g) of the statutes is amended to read:

20 165.95 (3) (g) The program is designed to integrate all ~~mental health~~ services
21 provided to program participants by state and local government agencies, tribes, and
22 other organizations. The program shall require regular communication and
23 coordination among a participant's ~~substance abuse treatment providers, other~~
24 service providers, the case manager, and any person designated under the program
25 to monitor the person's compliance with his or her obligations under the program,

1 and any probation, extended supervision, and parole agent assigned to the
2 participant.

3 **SECTION 362m.** 165.95 (3) (h) of the statutes is amended to read:

4 165.95 (3) (h) The program provides ~~substance abuse and mental health~~
5 ~~treatment services through providers that~~ who use evidence-based practices in the
6 delivery of services and, where applicable, who are certified by the department of
7 health services or licensed to provide the services approved under the program.

8 **SECTION 362n.** 165.95 (3) (i) of the statutes is renumbered 165.95 (3d) and
9 amended to read:

10 165.95 (3d) ~~The A~~ program requires that receives a grant under this section
11 may require participants to pay a reasonable amount for their treatment, based on
12 their income and available assets, and pursues and uses all possible resources
13 available through insurance and federal, state, and local aid programs, including
14 cash, vouchers, and direct services.

15 **SECTION 362o.** 165.95 (3) (j) of the statutes is amended to read:

16 165.95 (3) (j) The program is developed with input from, and implemented in
17 collaboration with, one or more circuit court judges, the district attorney, the state
18 public defender, local and, if applicable, tribal law enforcement officials, county
19 agencies and, if applicable, tribal agencies responsible for providing social services,
20 including services relating to ~~alcohol and other drug addiction~~ substance use
21 disorder, child welfare, mental health, and the Wisconsin Works program, the
22 departments of corrections, children and families, and health services, private social
23 services agencies, and substance ~~abuse~~ use disorder treatment providers.

24 **SECTION 362p.** 165.95 (3) (k) of the statutes is amended to read:

1 165.95 (3) (k) The county or tribe complies with other eligibility requirements
2 established by the department of justice to promote the objectives listed in pars. (a)
3 and ~~(b)~~ this subsection.

4 **SECTION 362q.** 165.95 (5) (a) of the statutes is renumbered 165.95 (3) (cm)
5 (intro.) and amended to read:

6 165.95 (3) (cm) (intro.) ~~A county or tribe that receives a grant under this section~~
7 ~~shall create an~~ The program identifies a criminal justice oversight committee to
8 develop and implement the program design and advise the county or tribe in
9 administering and evaluating its program. ~~Each~~ The membership of each criminal
10 justice oversight committee shall be as follows:

11 1. If the program is administered by a county, or by a county and a tribe
12 pursuant to sub. (6), the criminal justice oversight committee shall consist of a circuit
13 court judge, the district attorney or his or her designee, the state public defender or
14 his or her designee, a local law enforcement official, a representative of the county,
15 a representative of the tribe, if applicable, a representative of each other county
16 agency and, if applicable, tribal agency responsible for providing social services,
17 including services relating to child welfare, mental health, and the Wisconsin Works
18 ~~program,~~ representatives of the department of corrections and department of health
19 services, a representative from private social services agencies, a representative of
20 ~~substance abuse~~ behavioral health treatment providers, and other members ~~to be~~
21 ~~determined by the county or tribe~~ the oversight committee determines are
22 appropriate for the program.

23 **SECTION 362r.** 165.95 (5) (b) of the statutes is renumbered 165.95 (5) (ag) and
24 amended to read:

1 165.95 (5) (ag) A county or tribe that receives a grant under this section shall
2 comply with state audits and shall submit an annual report to the department of
3 justice and to the criminal justice oversight committee ~~created under par. (a)~~
4 ~~identified in sub. (3) (cm)~~ regarding the ~~impact of the program on jail and prison~~
5 ~~populations and its progress in attaining the goals specified in sub. (3) (b) and (f).~~

6 **SECTION 362s.** 165.95 (5m) of the statutes is repealed.

7 **SECTION 362t.** 165.95 (6) of the statutes is amended to read:

8 165.95 (6) A county or tribe may, with one or more other counties or tribes,
9 jointly apply for and receive a grant under this section. Upon submitting a joint
10 application, each county or tribe shall include with the application a written
11 agreement specifying each tribe's and each county department's role in developing,
12 administering, and evaluating the program. The criminal justice oversight
13 committee ~~established under sub. (5) (a)~~ identified in sub. (3) (cm) shall consist of
14 representatives from each county or tribe that participates in the program.

15 **SECTION 362u.** 165.95 (7) of the statutes is amended to read:

16 165.95 (7) Grants provided under this section shall be provided on a calendar
17 year basis ~~beginning on January 1, 2007. If the department of justice decides to make~~
18 ~~a grant to a county or tribe under this section, the department of justice shall notify~~
19 ~~the county or tribe of its decision and the amount of the grant no later than~~
20 ~~September 1 of the year preceding the year for which the grant will be made.~~

21 **SECTION 362v.** 165.95 (7m) of the statutes is amended to read:

22 165.95 (7m) Beginning in fiscal year ~~2012-13~~ 2021-22, the department of
23 justice shall, every ~~5~~ 4 years, make grants under this section available to any county
24 or tribe on a competitive basis. A county or tribe may apply for a grant under this

1 subsection regardless of whether the county or tribe has received a grant previously
2 under this section.”.

3 **25.** Page 340, line 11: after that line insert:

4 “**SECTION 363m.** 165.988 of the statutes is created to read:

5 **165.988 Violence interruption grant program.** From the appropriation
6 accounts under s. 20.455 (2) (eq) and (ks), the department of justice shall provide
7 grants to community organizations that are utilizing evidence-based outreach and
8 violence interruption strategies to mediate conflicts, prevent retaliation and other
9 potentially violent situations, and connect individuals to community supports.”.

10 **26.** Page 346, line 2: after that line insert:

11 “**SECTION 387c.** 301.03 (6s) of the statutes is created to read:

12 301.03 (6s) No later than June 15 each year, submit the following reports to
13 the governor, the chief clerk of each house of the legislature for distribution to the
14 appropriate standing committees under s. 13.172 (3), and the director of state courts:

15 (a) A report on revocation of probation, parole, and extended supervision. The
16 report shall include the rate of recidivism, as defined in s. 302.05 (4) (a), among
17 probationers, parolees, and persons on extended supervision by region and
18 demographics, including the level of the recidivism event, the number of and reason
19 for revocations of probation, parole, and extended supervision by region and
20 demographics, the number and lengths of short-term sanctions imposed under s.
21 302.115, and an accounting of the cost savings for the preceding 12-month period
22 that resulted from the use of short-term sanctions in lieu of revocations.

23 (b) A report on the earned compliance credit provided under s. 973.156 and
24 early discharge from extended supervision under s. 973.01 (5m) in the 12 months

1 preceding the report. The report shall include the demographics of individuals who
2 received the earned compliance credit or were discharged early by region and
3 demographics and the rate of recidivism, as defined in s. 302.05 (4) (a), among those
4 individuals, and an accounting of the cost savings from reduced days of incarceration
5 or reduced days of parole or extended supervision that resulted from the earned
6 compliance credit under s. 973.156 or early discharge under s. 973.01 (5m).

7 **SECTION 387d.** 301.035 (2) of the statutes is amended to read:

8 301.035 (2) Assign hearing examiners from the division to preside over
9 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 302.115, 938.357 (5), 973.10
10 and 975.10 (2) and ch. 304.”.

11 **27.** Page 346, line 2: after that line insert:

12 “**SECTION 387m.** 301.12 (2m) of the statutes is amended to read:

13 301.12 (2m) The liability specified in sub. (2) shall not apply to ~~persons 17 and~~
14 ~~older~~ adults receiving care, maintenance, services, and supplies provided by prisons
15 named in s. 302.01.

16 **SECTION 387n.** 301.12 (14) (a) of the statutes is amended to read:

17 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
18 specified in sub. (2) or s. 301.03 (18) for care and maintenance of ~~persons under 17~~
19 ~~years of age~~ minors in residential, nonmedical facilities such as group homes, foster
20 homes, residential care centers for children and youth, and juvenile correctional
21 institutions is determined in accordance with the cost-based fee established under
22 s. 301.03 (18). The department shall bill the liable person up to any amount of
23 liability not paid by an insurer under s. 632.89 (2) or (4m) or by other 3rd-party
24 benefits, subject to rules that include formulas governing ability to pay promulgated

1 by the department under s. 301.03 (18). Any liability of the resident not payable by
2 any other person terminates when the resident reaches age 17 becomes an adult,
3 unless the liable person has prevented payment by any act or omission.”.

4 **28.** Page 346, line 17: after that line insert:

5 “**SECTION 389a.** 302.05 (title) of the statutes is amended to read:

6 **302.05** (title) **Wisconsin substance abuse earned release program.**

7 **SECTION 389ab.** 302.05 (1) (am) (intro.) of the statutes is amended to read:

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

16 **SECTION 389ac.** 302.05 (1) (b) of the statutes is amended to read:

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

21 **SECTION 389ad.** 302.05 (1) (c) of the statutes is created to read:

22 302.05 (1) (c) 1. In this paragraph, “vocational readiness training program”
23 means an educational, vocational, treatment, or other evidence-based training
24 program to reduce recidivism.

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

4 **SECTION 389ae.** 302.05 (2) of the statutes is amended to read:

5 302.05 (2) Transfer to a correctional treatment facility for the treatment of
6 substance abuse use disorder shall be considered a transfer under s. 302.18.

7 **SECTION 389af.** 302.05 (3) (a) 2. of the statutes is amended to read:

8 302.05 (3) (a) 2. ~~If the inmate is serving a bifurcated sentence imposed under~~
9 ~~s. 973.01, the sentencing court decided under par. (e) or s. 973.01 (3g)~~ The department
10 determines that the inmate is eligible to participate in the earned release program
11 described in this subsection. In making its determination, the department shall
12 consider a decision of the sentencing court under s. 302.05 (3) (e), 2019 stats., or s.
13 973.01 (3g), 2019 stats.

14 **SECTION 389ag.** 302.05 (3) (b) of the statutes is amended to read:

15 302.05 (3) (b) Except as provided in par. (d), if the department determines that
16 an eligible inmate serving a sentence other than one imposed under s. 973.01 has
17 successfully completed a substance use disorder treatment program described in
18 sub. (1) (b) or a vocational readiness training program described in sub. (1) (c), the
19 parole commission shall parole the inmate for that sentence under s. 304.06,
20 regardless of the time the inmate has served. If the parole commission grants parole
21 under this paragraph for the completion of a substance use disorder treatment
22 program, it shall require the parolee to participate in an intensive supervision
23 program for drug abusers as a condition of parole.

24 **SECTION 389ah.** 302.05 (3) (c) 1. of the statutes is amended to read:

1 302.05 (3) (c) 1. Except as provided in par. (d), if the department determines
2 that an eligible inmate serving the term of confinement in prison portion of a
3 bifurcated sentence imposed under s. 973.01 has successfully completed a substance
4 use disorder treatment program described in sub. (1) (b) or a vocational readiness
5 training program described in sub. (1) (c), the department shall inform the court that
6 sentenced the inmate.

7 **SECTION 389ai.** 302.05 (3) (c) 2. (intro.) of the statutes is amended to read:

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

13 **SECTION 389aj.** 302.05 (3) (d) of the statutes is amended to read:

14 302.05 (3) (d) The department may place intensive sanctions program
15 participants in a treatment program described in sub. (1) (b), but pars. (b) and (c) do
16 not apply to those participants.

17 **SECTION 389ak.** 302.05 (3) (e) of the statutes is repealed.

18 **SECTION 389aL.** 302.05 (4) of the statutes is created to read:

19 302.05 (4) (a) In this subsection, "recidivism" means any of the following:

20 1. A return to prison upon revocation of extended supervision, parole, or
21 probation.

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

24 (b) No later than June 15 of each year, the department shall submit a report
25 on participation in vocational readiness training programs qualifying for earned

1 release under sub. (3) to the governor, the chief clerk of each house of the legislature
2 for distribution to the appropriate standing committees under s. 13.172 (3), and the
3 director of state courts. The report shall include all of the following data:

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

6 2. The number of eligible inmates who are on the wait list for participation in
7 a vocational readiness training program, and the department's methodology for
8 selecting participants from the wait list.

9 3. The rate of recidivism among individuals who earned release through
10 completion of a vocational readiness training program, and whether the recidivism
11 event was return to prison upon revocation or was a conviction for a misdemeanor
12 or felony. The department shall report this data by region and shall include
13 demographic information.

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

18 **SECTION 389b.** 302.107 (2) of the statutes is amended to read:

19 302.107 (2) Upon revocation of parole or extended supervision under s. 302.11
20 (7), 302.113 (9), 302.114 (9), or 304.06 (3) ~~or (3g)~~, the department shall make a
21 reasonable effort to send a notice of the revocation to a victim of an offense committed
22 by the inmate, if the victim can be found, in accordance with sub. (3) and after
23 receiving a completed card under sub. (4).

24 **SECTION 389c.** 302.11 (7) (ag) of the statutes is renumbered 302.11 (7) (ag)
25 (intro.) and amended to read:

1 302.11 (7) (ag) (intro.) In this subsection “~~reviewing~~:

2 2. “Reviewing authority” means the division of hearings and appeals in the
3 department of administration, upon proper notice and hearing, or the department
4 of corrections, if the parolee waives a hearing.

5 **SECTION 389d.** 302.11 (7) (am) of the statutes is renumbered 302.11 (7) (am)
6 1. (intro.) and amended to read:

7 302.11 (7) (am) 1. (intro.) The reviewing authority may not return a parolee
8 released under sub. (1) or (1g) (b) or s. 304.02 or 304.06 (1) to prison ~~for a period up~~
9 ~~to the remainder of the sentence~~ for a violation of the conditions of parole. ~~The~~
10 ~~remainder unless one of the following applies:~~

11 (ag) 1. “Remainder of the sentence is” means the entire sentence, less time
12 served in custody prior to parole and less any earned compliance credit under s.
13 973.156.

14 (am) 2. If the reviewing authority revokes parole, the revocation order may
15 return the parolee to prison for a period up to the remainder of the sentence. The
16 revocation order shall provide the parolee with credit in accordance with ss. 304.072
17 and 973.155.

18 **SECTION 389dm.** 302.11 (7) (am) 1. a. to e. of the statutes are created to read:

19 302.11 (7) (am) 1. a. The parolee committed 3 or more independent violations
20 while released on parole.

21 b. The condition that the parolee violated was a condition that the parolee not
22 contact any specified individual.

23 c. The parolee was required to register as a sex offender under s. 301.45.

24 d. When the parolee violated the condition of parole, the parolee also allegedly
25 committed a crime.

1 e. The parolee failed to report or make himself or herself available for
2 supervision for a period of more than 60 days.

3 **SECTION 389e.** 302.113 (8m) (a) of the statutes is renumbered 302.113 (8m).

4 **SECTION 389f.** 302.113 (8m) (b) of the statutes is repealed.

5 **SECTION 389g.** 302.113 (9) (ag) of the statutes is renumbered 302.113 (9) (ag)
6 (intro.) and amended to read:

7 302.113 (9) (ag) (intro.) In this subsection “~~reviewing:~~

8 2. “Reviewing authority” means the division of hearings and appeals in the
9 department of administration, upon proper notice and hearing, or the department
10 of corrections, if the person on extended supervision waives a hearing.

11 **SECTION 389h.** 302.113 (9) (ag) 1. of the statutes is created to read:

12 302.113 (9) (ag) 1. “Crime” has the meaning given in s. 939.12.

13 **SECTION 389i.** 302.113 (9) (am) of the statutes is renumbered 302.113 (9) (am)
14 1. (intro.) and amended to read:

15 302.113 (9) (am) 1. (intro.) If a person released to extended supervision under
16 this section violates a condition of extended supervision, the reviewing authority
17 may not revoke the extended supervision of the person. unless one of the following
18 applies:

19 2. If the extended supervision of the person is revoked under subd. 1., the
20 reviewing authority shall order the person to be returned to prison for any specified
21 period of time that does not exceed the time remaining on the bifurcated sentence.

22 ~~The time~~

23 (ag) 4. “Time remaining on the bifurcated sentence” is the total length of the
24 bifurcated sentence, less time served by the person in confinement under the
25 sentence before release to extended supervision under sub. (2), less any earned

1 compliance credit under s. 973.156, and less all time served in confinement for
2 previous revocations of extended supervision under the sentence.

3 (am) 3. The order returning a person to prison under ~~this paragraph~~ subd. 2.
4 shall provide the person whose extended supervision was revoked with credit in
5 accordance with ss. 304.072 and 973.155.

6 **SECTION 389j.** 302.113 (9) (am) 1. a. to e. of the statutes are created to read:

7 302.113 (9) (am) 1. a. The person committed 3 or more independent violations
8 during his or her term of extended supervision.

9 b. The condition that the person violated was a condition that the person not
10 contact any specified individual.

11 c. The person was required to register as a sex offender under s. 301.45.

12 d. When the person violated the condition of extended supervision, the person
13 also allegedly committed a crime.

14 e. The person failed to report or make himself or herself available for
15 supervision for a period of more than 60 consecutive days.

16 **SECTION 389k.** 302.113 (9) (b) of the statutes is amended to read:

17 302.113 (9) (b) A person who is returned to prison after revocation of extended
18 supervision shall be incarcerated for the entire period ~~of time~~ specified by the order
19 under par. (am) 2. The period ~~of time~~ specified under par. (am) 2. may be extended
20 in accordance with sub. (3). If a person is returned to prison under par. (am) 2. for
21 a period ~~of time~~ that is less than the time remaining on the bifurcated sentence, the
22 person shall be released to extended supervision after he or she has served the period
23 ~~of time~~ specified by the order under par. (am) 2. and any periods of extension imposed
24 in accordance with sub. (3).

25 **SECTION 389L.** 302.113 (9) (c) of the statutes is amended to read:

1 302.113 (9) (c) A person who is subsequently released to extended supervision
2 after service of the period of time specified by the order under par. (am) 2. is subject
3 to all conditions and rules under sub. (7) and, if applicable, sub. (7m) until the
4 expiration of the time remaining ~~extended supervision portion of~~ on the bifurcated
5 sentence. ~~The remaining extended supervision portion of the bifurcated sentence is~~
6 ~~the total length of the bifurcated sentence, less the time served by the person in~~
7 ~~confinement under the bifurcated sentence before release to extended supervision~~
8 ~~under sub. (2) and less all time served in confinement for previous revocations of~~
9 ~~extended supervision under the bifurcated sentence.~~

10 **SECTION 389m.** 302.114 (9) (ag) of the statutes is amended to read:

11 302.114 (9) (ag) In this subsection “reviewing authority” has the meaning given
12 in s. 302.113 (9) (ag) 3.

13 **SECTION 389n.** 302.115 of the statutes is created to read:

14 **302.115 Sanctions for violation of condition of probation, parole, or**
15 **extended supervision.** (1) In this section:

16 (a) “Division” means the division of hearings and appeals in the department of
17 administration.

18 (b) “Reviewing authority” means the division or, if a hearing is waived under
19 sub. (5), the department.

20 (2) Notwithstanding ss. 302.11 (7), 302.113 (9), and 973.10 (2), if a person on
21 probation or parole or a person on extended supervision under s. 302.113 violates a
22 condition or rule of that probation, parole, or extended supervision, the department
23 may initiate a proceeding before the division to sanction the person for the violation.

24 (3) The division shall hold a hearing no later than 21 days after the department
25 initiates the proceeding to determine the appropriate sanction for the violation.

1 (4) The reviewing authority may impose one of the following sanctions:

2 (a) Except as provided under par. (b), imprisonment for a period not to exceed
3 30 days.

4 (b) Imprisonment for a period not to exceed 90 days if any of the following
5 applies:

6 1. The person has committed 3 or more independent violations during his or
7 her term of probation, parole, or extended supervision.

8 2. The condition that the person violated was a condition that the person not
9 contact any specified individual.

10 3. The person was required to register as a sex offender under s. 301.45.

11 4. When the person violated the condition of probation, parole, or extended
12 supervision, the person also allegedly committed a crime.

13 5. The person failed to report or make himself or herself available for
14 supervision for a period of more than 60 consecutive days.

15 (5) A person who is the subject of a proceeding under this section may waive
16 the hearing under sub. (3) by signing a statement admitting the violation. If the
17 person waives the hearing under this subsection, the reviewing authority may
18 impose a sanction under sub. (4).

19 (6) If a person is confined in a county jail under this section, the department
20 shall reimburse the county for its actual costs in confining the person from the
21 appropriations under s. 20.410 (1) (ab) and (b).

22 (7) Notwithstanding s. 302.43, a person is not eligible to earn good time credit
23 on any period of confinement under this section.

24 **SECTION 389o.** 302.33 (1) of the statutes is amended to read:

1 302.33 (1) The maintenance of persons who have been sentenced to the state
2 penal institutions; persons in the custody of the department, except as provided in
3 sub. (2) and ss. 301.048 (7), ~~302.113 (8m)~~, and 302.114 (8m), and 302.115; persons
4 accused of crime and committed for trial; persons committed for the nonpayment of
5 fines and expenses; and persons sentenced to imprisonment therein, while in the
6 county jail, shall be paid out of the county treasury. No claim may be allowed to any
7 sheriff for keeping or boarding any person in the county jail unless the person was
8 lawfully detained therein.

9 **SECTION 389oz.** 303.08 (1) (intro.) of the statutes is amended to read:

10 303.08 (1) (intro.) Any person sentenced to a county jail for crime, nonpayment
11 of a fine or forfeiture, or contempt of court or subject to a confinement sanction under
12 s. ~~302.113 (8m)~~ or 302.114 (8m) or 302.115 or a probationer detained in a county jail,
13 tribal jail, or other county facility for a probation violation who meets the criteria
14 under s. 302.335 (2j) may be granted the privilege of leaving the jail during necessary
15 and reasonable hours for any of the following purposes:

16 **SECTION 389p.** 303.08 (2) of the statutes is amended to read:

17 303.08 (2) Unless such privilege is expressly granted by the court or, in the case
18 of a person subject to a confinement sanction under s. ~~302.113 (8m)~~ or 302.114 (8m)
19 or 302.115, the department, the person is sentenced to ordinary confinement. A
20 prisoner, other than a person subject to a confinement sanction under s. ~~302.113 (8m)~~
21 or 302.114 (8m) or 302.115, may petition the court for such privilege at the time of
22 sentence or thereafter, and in the discretion of the court may renew the prisoner's
23 petition. The court may withdraw the privilege at any time by order entered with
24 or without notice.

25 **SECTION 389q.** 303.08 (5) (intro.) of the statutes is amended to read:

1 303.08 (5) (intro.) By order of the court or, for a person subject to a confinement
2 sanction under s. ~~302.113 (8m) or~~ 302.114 (8m) or 302.115, by order of the
3 department, the wages, salary and unemployment insurance and employment
4 training benefits received by prisoners shall be disbursed by the sheriff for the
5 following purposes, in the order stated:

6 **SECTION 389r.** 303.08 (6) of the statutes is amended to read:

7 303.08 (6) The department, for a person subject to a confinement sanction
8 under s. ~~302.113 (8m) or~~ 302.114 (8m) or 302.115, or the sentencing court, by order,
9 may authorize the sheriff to whom the prisoner is committed to arrange with another
10 sheriff for the employment or employment training of the prisoner in the other's
11 county, and while so employed or trained to be in the other's custody but in other
12 respects to be and continue subject to the commitment.

13 **SECTION 389s.** 303.08 (12) of the statutes is amended to read:

14 303.08 (12) In counties having a house of correction, any person violating the
15 privilege granted under sub. (1) may be transferred by the county jailer to the house
16 of correction for the remainder of the term of the person's sentence or, if applicable,
17 the remainder of the person's confinement sanction under s. ~~302.113 (8m) or~~ 302.114
18 (8m) or 302.115.

19 **SECTION 389t.** 304.06 (3) of the statutes is renumbered 304.06 (3) (a) and
20 amended to read:

21 304.06 (3) (a) Every paroled prisoner remains in the legal custody of the
22 department unless otherwise provided by the department.

23 (b) If the department alleges that any condition or rule of parole has been
24 violated by the prisoner, the department may take physical custody of the prisoner
25 for the investigation of the alleged violation. If the department is satisfied that any

1 condition or rule of parole has been violated it shall afford the prisoner such
2 administrative hearings as are required by law.

3 (c) Unless waived by the parolee, the final administrative hearing shall be held
4 before a hearing examiner from the division of hearings and appeals in the
5 department of administration who is licensed to practice law in this state. The
6 hearing examiner shall enter an order revoking or not revoking parole under par. (g).

7 (d) Upon request by either party, the administrator of the division of hearings
8 and appeals in the department of administration shall review the order.

9 (e) The hearing examiner may order that a deposition be taken by audiovisual
10 means and allow the use of a recorded deposition under s. 967.04 (7) to (10) in a
11 hearing under this subsection.

12 (f) If the parolee waives the final administrative hearing, the secretary of
13 corrections shall enter an order revoking or not revoking parole.

14 (g) If the hearing examiner, the administrator upon review, or the secretary in
15 the case of a waiver finds that the prisoner has violated the rules or conditions of
16 parole, the examiner, the administrator upon review, or the secretary in the case of
17 a waiver, may order the prisoner returned to prison to continue serving his or her
18 sentence, or to continue on parole. The hearing examiner, administrator, or
19 secretary may not revoke parole under this subsection unless one of the following
20 applies:

21 (h) If the prisoner claims or appears to be indigent, the department shall refer
22 the prisoner to the authority for indigency determinations specified under s. 977.07
23 (1).

24 **SECTION 389u.** 304.06 (3) (g) 1. to 5. of the statutes are created to read:

1 304.06 (3) (g) 1. The person has committed 3 or more independent violations
2 while released on parole.

3 2. The condition that the person violated was a condition that the person not
4 contact any specified individual.

5 3. The person was required to register as a sex offender under s. 301.45.

6 4. When the person violated the condition of parole, the person also allegedly
7 committed a crime.

8 5. The person failed to report or make himself or herself available for
9 supervision for a period of more than 60 consecutive days.

10 **SECTION 389v.** 304.06 (3g) of the statutes is repealed.

11 **SECTION 389w.** 304.072 (4) of the statutes is amended to read:

12 304.072 (4) The sentence of a revoked parolee or person on extended
13 supervision resumes running on the day he or she is received at a correctional
14 institution subject to sentence credit for the period of custody in a jail, correctional
15 institution or any other detention facility pending revocation according to the terms
16 of s. 973.155 and subject to earned compliance credit under s. 973.156.”.

17 **29.** Page 346, line 17: after that line insert:

18 “**SECTION 389do.** 302.113 (title) of the statutes is amended to read:

19 **302.113 (title) Release to extended supervision for felony offenders not**
20 **servicing life sentences and youthful offenders.**

21 **SECTION 389dp.** 302.113 (1) of the statutes is amended to read:

22 302.113 (1) An inmate is subject to this section if he or she is serving a
23 bifurcated sentence imposed under s. 973.01 or, if the inmate is a youthful offender,
24 as defined in s. 973.014 (3) (a), a life sentence imposed under s. 973.014 (3) (b) or (c)

1 or, if the youthful offender is sentenced before the effective date of this subsection
2 [LRB inserts date], s. 973.014 (1g).

3 **SECTION 389dq.** 302.113 (2) of the statutes is amended to read:

4 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
5 section is entitled to release to extended supervision after he or she has served the
6 term of confinement in prison portion of the sentence imposed under s. 973.01, as
7 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3)
8 (c) 2. a., 973.018, 973.195 (1r), or 973.198, if applicable.

9 **SECTION 389Lm.** 302.114 (1) of the statutes is amended to read:

10 302.114 (1) An inmate is subject to this section if he or she is serving a life
11 sentence imposed under s. 973.014 (1g) (a) 1. or 2. An inmate serving a life sentence
12 under s. 939.62 (2m) or 973.014 (1g) (a) 3. is not eligible for release to extended
13 supervision under this section. This section does not apply to a youthful offender, as
14 defined in s. 973.014 (3) (a), who was sentenced under s. 973.014 (1g) before the
15 effective date of this subsection [LRB inserts date].

16 **SECTION 389om.** 303.065 (1) (b) 1. of the statutes is amended to read:

17 303.065 (1) (b) 1. A person serving a life sentence, other than a life sentence
18 specified in subd. 2., may be considered for work release only after he or she has
19 reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b) or (3) (b),
20 whichever is applicable, or he or she has reached his or her extended supervision
21 eligibility date under s. 302.114 (9) (am) or 973.014 (1g) (a) 1. or 2. or (3) (c), whichever
22 is applicable.

23 **SECTION 389sc.** 304.02 (5) of the statutes is amended to read:

1 304.02 (5) Notwithstanding subs. (1) to (3), a prisoner who is serving a life
2 sentence under s. 939.62 (2m) (c) or 973.014 (1) (c) ~~or (1g), or (3) (c)~~ is not eligible for
3 release to parole supervision under this section.

4 **SECTION 389sh.** 304.06 (1) (b) of the statutes is amended to read:

5 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
6 302.045 (3), 302.05 (3) (b), 973.01 (6), ~~or 973.0135, or 973.018~~, the parole commission
7 may parole an inmate of the Wisconsin state prisons or any felon or any person
8 serving at least one year or more in a county house of correction or a county
9 reforestation camp organized under s. 303.07, when he or she has served 25 percent
10 of the sentence imposed for the offense, or 6 months, whichever is greater. Except
11 as provided in s. 939.62 (2m) (c) or 973.014 (1) (b) or (c), (1g) ~~or (2), or (3) (b) or (c)~~,
12 the parole commission may parole an inmate serving a life term when he or she has
13 served 20 years, as modified by the formula under s. 302.11 (1) and subject to
14 extension under s. 302.11 (1q) and (2), or reduction under s. 973.018, if applicable.
15 The person serving the life term shall be given credit for time served prior to
16 sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary
17 may grant special action parole releases under s. 304.02. The department or the
18 parole commission shall not provide any convicted offender or other person
19 sentenced to the department's custody any parole eligibility or evaluation until the
20 person has been confined at least 60 days following sentencing.

21 **SECTION 389vm.** 304.071 (2) of the statutes is amended to read:

22 304.071 (2) If a prisoner is not eligible for parole under s. 961.49 (2), 1999 stats.,
23 or s. 939.62 (2m) (c), 973.01 (6), 973.014 (1) (c) ~~or (1g), or (3) (c)~~, or 973.032 (5), he or
24 she is not eligible for parole under this section.”

1 **30.** Page 346, line 17: after that line insert:

2 “**SECTION 389nm.** 302.31 (7) of the statutes is amended to read:

3 302.31 (7) The temporary placement of persons in the custody of the
4 department, other than ~~persons under 17 years of age~~ minors, and persons who have
5 ~~attained the age of 17 years but have not attained~~ adults under the age of 25 years
6 who are under the supervision of the department under s. 938.355 (4) and who have
7 been taken into custody pending revocation of community supervision or aftercare
8 supervision under s. 938.357 (5) (e).”.

9 **31.** Page 346, line 17: after that line insert:

10 “**SECTION 389og.** 302.43 of the statutes is amended to read:

11 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time
12 in the amount of one-fourth of his or her term for good behavior if sentenced to at
13 least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit
14 for time served prior to sentencing under s. 973.155, including good time under s.
15 973.155 (4). An inmate who violates any law or any regulation of the jail, or neglects
16 or refuses to perform any duty lawfully required of him or her, may be deprived by
17 the sheriff of good time under this section, except that the sheriff shall not deprive
18 the inmate of more than 2 days good time for any one offense without the approval
19 of the court. An inmate who files an action or special proceeding, including a petition
20 for a common law writ of certiorari, to which s. 807.15 applies shall be deprived of
21 the number of days of good time specified in the court order prepared under s. 807.15
22 (3). This section does not apply to a person who is confined in the county jail in
23 connection with his or her participation in a ~~substance abuse treatment~~ program

1 that meets the requirements of s. 165.95 (3), as determined by the department of
2 justice under s. 165.95 (9) and (10).”.

3 **32.** Page 355, line 11: after that line insert:

4 “**SECTION 416a.** 808.075 (4) (g) 3. of the statutes is amended to read:

5 808.075 (4) (g) 3. Imposition of sentence upon revocation of probation under s.
6 973.10 (2) ~~(a)~~ (bm) 2. a.

7 **SECTION 416am.** 911.01 (4) (c) of the statutes is amended to read:

8 911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or
9 rendition; sentencing, granting or revoking probation, modification of a bifurcated
10 sentence under s. 302.113 (9g), or adjustment of a bifurcated sentence under s.
11 973.01 (5m), 973.195 (1r) or 973.198; issuance of subpoenas or warrants under s.
12 968.375, arrest warrants, criminal summonses, and search warrants; hearings
13 under s. 980.09 (2); proceedings under s. 971.14 (1r) (c); proceedings with respect to
14 pretrial release under ch. 969 except where habeas corpus is utilized with respect to
15 release on bail or as otherwise provided in ch. 969; or proceedings under s. 165.76 (6)
16 to compel provision of a biological specimen for deoxyribonucleic acid analysis.

17 **SECTION 416zbg.** 939.50 (3) (d) of the statutes is amended to read:

18 939.50 (3) (d) For a Class D felony, a fine not to exceed \$100,000 or
19 imprisonment not to exceed ~~25~~ 20 years, or both.

20 **SECTION 416zk.** 950.04 (1v) (gm) of the statutes is amended to read:

21 950.04 (1v) (gm) To have reasonable attempts made to notify the victim of
22 petitions for sentence adjustment as provided under s. 973.01 (5m) (d), 973.018 (3)
23 (e), 973.09 (3m), 973.195 (1r) (d), or 973.198.

24 **SECTION 416zm.** 950.04 (1v) (vg) of the statutes is amended to read:

1 950.04 (1v) (vg) To have the department of corrections make a reasonable
2 attempt to notify the victim, pursuant to s. 302.107, of a revocation of parole or of
3 release to extended supervision under s. 302.11 (7), 302.113 (9), 302.114 (9), or 304.06
4 (3) ~~or (3g).~~”.

5 **33.** Page 355, line 11: after that line insert:

6 “**SECTION 416zbm.** 939.616 (1g) of the statutes is amended to read:

7 939.616 (1g) If a person is convicted of a violation of s. 948.02 (1) (am) or
8 948.025 (1) (a), notwithstanding s. 973.014 (1g) (a) 1. and 2. and except as provided
9 under s. 973.018, the court may not make an extended supervision eligibility date
10 determination on a date that will occur before the person has served a 25-year term
11 of confinement in prison.

12 **SECTION 416zbs.** 939.62 (2m) (b) (intro.) of the statutes is amended to read:

13 939.62 (2m) (b) (intro.) The actor is a persistent repeater if the offense for which
14 he or she is presently being sentenced was committed after he or she attained the age
15 of 18 and one of the following applies:

16 **SECTION 416zL.** 950.04 (1v) (m) of the statutes is amended to read:

17 950.04 (1v) (m) To provide statements concerning sentencing, disposition, or
18 parole, as provided under ss. 304.06 (1) (e), 938.32 (1) (b) 1g., 938.335 (3m) (ag), and
19 972.14 (3) (a), and 973.018 (4) (d).”.

20 **34.** Page 355, line 11: after that line insert:

21 “**SECTION 416b.** 938.02 (1) of the statutes is amended to read:

22 938.02 (1) “Adult” means a person who is 18 years of age or older, ~~except that~~
23 ~~for purposes of investigating or prosecuting a person who is alleged to have violated~~

1 ~~any state or federal criminal law or any civil law or municipal ordinance, “adult”~~
2 ~~means a person who has attained 17 years of age.~~

3 **SECTION 416bm.** 938.02 (10m) of the statutes is amended to read:

4 938.02 (10m) “Juvenile,” when used without further qualification, means a
5 person who is less than 18 years of age, ~~except that for purposes of investigating or~~
6 ~~prosecuting a person who is alleged to have violated a state or federal criminal law~~
7 ~~or any civil law or municipal ordinance, “juvenile” does not include a person who has~~
8 ~~attained 17 years of age.~~

9 **SECTION 416c.** 938.12 (2) of the statutes is amended to read:

10 938.12 (2) ~~SEVENTEEN-YEAR-OLDS~~ JUVENILES WHO BECOME ADULTS. If a petition
11 alleging that a juvenile is delinquent is filed before the juvenile is ~~17 years of age~~
12 becomes an adult, but the juvenile becomes ~~17 years of age~~ an adult before admitting
13 the facts of the petition at the plea hearing or, if the juvenile denies the facts, before
14 an adjudication, the court retains jurisdiction over the case.

15 **SECTION 416d.** 938.18 (2) of the statutes is amended to read:

16 938.18 (2) PETITION. The petition for waiver of jurisdiction may be filed by the
17 district attorney or the juvenile or may be initiated by the court and shall contain a
18 brief statement of the facts supporting the request for waiver. The petition for waiver
19 of jurisdiction shall be accompanied by or filed after the filing of a petition alleging
20 delinquency and shall be filed prior to the plea hearing, except that if the juvenile
21 denies the facts of the petition and becomes ~~17 years of age~~ an adult before an
22 adjudication, the petition for waiver of jurisdiction may be filed at any time prior to
23 the adjudication. If the court initiates the petition for waiver of jurisdiction, the
24 judge shall disqualify himself or herself from any future proceedings on the case.

25 **SECTION 416e.** 938.183 (3) of the statutes is amended to read:

1 938.183 (3) PLACEMENT IN STATE PRISON; PAROLE. ~~When~~ Subject to s. 973.013
2 (3m), when a juvenile who is subject to a criminal penalty under sub. (1m) or s.
3 938.183 (2), 2003 stats., ~~attains the age of 17 years~~ becomes an adult, the department
4 of corrections may place the juvenile in a state prison named in s. 302.01, except that
5 that department may not place any person under the age of 18 years in the
6 correctional institution authorized in s. 301.16 (1n). A juvenile who is subject to a
7 criminal penalty under sub. (1m) or under s. 938.183 (2), 2003 stats., for an act
8 committed before December 31, 1999, is eligible for parole under s. 304.06.

9 **SECTION 416f.** 938.255 (1) (intro.) of the statutes is amended to read:

10 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings
11 under this chapter, other than a petition initiating proceedings under s. 938.12,
12 938.125, or 938.13 (12), shall be entitled, “In the interest of (juvenile’s name), a
13 person under the age of 18”~~.”~~ A petition initiating proceedings under s. 938.12,
14 938.125, or 938.13 (12) shall be entitled, “In the interest of (juvenile’s name), a ~~person~~
15 ~~under the age of 17”~~ juvenile.” A petition initiating proceedings under this chapter
16 shall specify all of the following:

17 **SECTION 416g.** 938.34 (8) of the statutes is amended to read:

18 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
19 this disposition is in the best interest of the juvenile and the juvenile’s rehabilitation.
20 The maximum forfeiture that the court may impose under this subsection for a
21 violation by a juvenile is the maximum amount of the fine that may be imposed on
22 an adult for committing that violation or, if the violation is applicable only to ~~a person~~
23 ~~under 18 years of age~~ juveniles, \$100. The order shall include a finding that the
24 juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months
25 for payment. If the juvenile fails to pay the forfeiture, the court may vacate the

1 forfeiture and order other alternatives under this section; or the court may suspend
2 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or
3 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more
4 than 2 years. If the court suspends any license under this subsection, the clerk of the
5 court shall immediately take possession of the suspended license if issued under ch.
6 29 or, if the license is issued under ch. 343, the court may take possession of, and if
7 possession is taken, shall destroy, the license. The court shall forward to the
8 department ~~which~~ that issued the license a notice of suspension stating that the
9 suspension is for failure to pay a forfeiture imposed by the court, together with any
10 license issued under ch. 29 of which the court takes possession. If the forfeiture is
11 paid during the period of suspension, the suspension shall be reduced to the time
12 period ~~which~~ that has already elapsed and the court shall immediately notify the
13 department, which shall then, if the license is issued under ch. 29, return the license
14 to the juvenile. Any recovery under this subsection shall be reduced by the amount
15 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

16 **SECTION 416h.** 938.343 (2) of the statutes is amended to read:

17 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum
18 forfeiture that may be imposed on an adult for committing that violation or, if the
19 violation is only applicable to ~~a person under 18 years of age~~ juveniles, \$50. The
20 order shall include a finding that the juvenile alone is financially able to pay and
21 shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture,
22 the court may suspend any license issued under ch. 29 or suspend the juvenile's
23 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court
24 shall immediately take possession of the suspended license if issued under ch. 29 or,
25 if the license is issued under ch. 343, the court may take possession of, and if

1 possession is taken, shall destroy, the license. The court shall forward to the
2 department ~~which~~ that issued the license the notice of suspension stating that the
3 suspension is for failure to pay a forfeiture imposed by the court, together with any
4 license issued under ch. 29 of which the court takes possession. If the forfeiture is
5 paid during the period of suspension, the court shall immediately notify the
6 department, which shall, if the license is issued under ch. 29, return the license to
7 the person. Any recovery under this subsection shall be reduced by the amount
8 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

9 **SECTION 416i.** 938.344 (3) of the statutes is amended to read:

10 938.344 (3) PROSECUTION IN ADULT COURT. If the juvenile alleged to have
11 committed the violation is within 3 months of ~~his or her 17th birthday~~ becoming an
12 adult, the court assigned to exercise jurisdiction under this chapter and ch. 48 may,
13 at the request of the district attorney or on its own motion, dismiss the citation
14 without prejudice and refer the matter to the district attorney for prosecution under
15 s. 125.07 (4). The juvenile is entitled to a hearing only on the issue of his or her age.
16 This subsection does not apply to violations under s. 961.573 (2), 961.574 (2), or
17 961.575 (2) or a local ordinance that strictly conforms to one of those statutes.

18 **SECTION 416j.** 938.35 (1m) of the statutes is amended to read:

19 938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court
20 assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation
21 under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter
22 in criminal court when the juvenile ~~attains 17 years of age~~ becomes an adult. This
23 subsection does not affect proceedings in criminal court that have been transferred
24 under s. 938.18.

25 **SECTION 416k.** 938.355 (4) (b) of the statutes is amended to read:

1 938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d)
2 or (4m) made before the juvenile attains 18 years of age may apply for up to 2 years
3 after the date on which the order is granted or until the juvenile's ~~18th~~ 19th birthday,
4 whichever is earlier, unless the court specifies a shorter period of time or the court
5 terminates the order sooner. If the order does not specify a termination date, it shall
6 apply for one year after the date on which the order is granted or until the juvenile's
7 ~~18th~~ 19th birthday, whichever is earlier, unless the court terminates the order
8 sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before
9 the juvenile attains 18 years of age shall apply for 5 years after the date on which the
10 order is granted, if the juvenile is adjudicated delinquent for committing a violation
11 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C
12 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the
13 juvenile is adjudicated delinquent for committing an act that would be punishable
14 as a Class A felony if committed by an adult. Except as provided in s. 938.368, an
15 extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile
16 ~~attains 17 years of age~~ becomes an adult shall terminate at the end of one year after
17 the date on which the order is granted unless the court specifies a shorter period of
18 time or the court terminates the order sooner. No extension under s. 938.365 of an
19 original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted
20 for a juvenile who is ~~17 years of age or older when~~ becomes an adult by the time the
21 original dispositional order terminates.

22 **SECTION 416L.** 938.355 (4m) (a) of the statutes is amended to read:

23 938.355 (4m) (a) A juvenile who has been adjudged delinquent under s. 48.12,
24 1993 stats., or s. 938.12 may, on ~~attaining 17 years of age~~ becoming an adult, petition
25 the court to expunge the court's record of the juvenile's adjudication. Subject to par.

1 (b), the court may expunge the record if the court determines that the juvenile has
2 satisfactorily complied with the conditions of his or her dispositional order and that
3 the juvenile will benefit from, and society will not be harmed by, the expungement.

4 **SECTION 416m.** 938.39 of the statutes is amended to read:

5 **938.39 Disposition by court bars criminal proceeding.** Disposition by the
6 court of any violation of state law within its jurisdiction under s. 938.12 bars any
7 future criminal proceeding on the same matter in circuit court when the juvenile
8 reaches the age of 17 becomes an adult. This section does not affect criminal
9 proceedings in circuit court that were transferred under s. 938.18.

10 **SECTION 416n.** Subchapter IX (title) of chapter 938 [precedes 938.44] of the
11 statutes is amended to read:

12 **CHAPTER 938**

13 **SUBCHAPTER IX**

14 **JURISDICTION OVER PERSONS 17**

15 **OR OLDER ADULTS**

16 **SECTION 416o.** 938.44 of the statutes is amended to read:

17 **938.44 Jurisdiction over persons ~~17 or older~~ adults.** The court has
18 jurisdiction over persons ~~17 years of age or older~~ adults as provided under ss. 938.355
19 (4), 938.357 (6), 938.365 (5), and 938.45 and as otherwise specified in this chapter.

20 **SECTION 416p.** 938.45 (1) (a) of the statutes is amended to read:

21 938.45 (1) (a) If in the hearing of a case of a juvenile alleged to be delinquent
22 under s. 938.12 or in need of protection or services under s. 938.13 it appears that any
23 person ~~17 years of age or older~~ adult has been guilty of contributing to, encouraging,
24 or tending to cause by any act or omission, ~~such~~ that condition of the juvenile, the
25 court may make orders with respect to the conduct of that person in his or her

1 relationship to the juvenile, including orders relating to determining the ability of
2 the person to provide for the maintenance or care of the juvenile and directing when,
3 how, and from where funds for the maintenance or care shall be paid.

4 **SECTION 416q.** 938.45 (3) of the statutes is amended to read:

5 938.45 (3) PROSECUTION OF ADULT CONTRIBUTING TO DELINQUENCY OF JUVENILE.
6 If it appears at a court hearing that any person ~~17 years of age or older~~ adult has
7 violated s. 948.40, the court shall refer the record to the district attorney. This
8 subsection does not prohibit prosecution of violations of s. 948.40 without the prior
9 reference by the court to the district attorney.

10 **SECTION 416r.** 938.48 (4m) (title) of the statutes is amended to read:

11 938.48 (4m) (title) CONTINUING CARE AND SERVICES FOR JUVENILES ~~OVER 17~~ WHO
12 BECOME ADULTS.

13 **SECTION 416s.** 938.48 (4m) (a) of the statutes is amended to read:

14 938.48 (4m) (a) Is ~~at least 17 years of age~~ an adult.

15 **SECTION 416t.** 938.48 (4m) (b) of the statutes is amended to read:

16 938.48 (4m) (b) Was under the supervision of the department under ~~s. 938.183,~~
17 ~~938.34 (4h), (4m) or (4n) or 938.357 (3) or (4)~~ a court order under this chapter when
18 the person reached ~~17 years of age~~ became an adult.

19 **SECTION 416u.** 938.48 (4m) (b) of the statutes, as affected by 2017 Wisconsin
20 Act 185, section 82, and 2021 Wisconsin Act (this act), is repealed and recreated
21 to read:

22 938.48 (4m) (b) Was under the supervision of the department under a court
23 order under this chapter when the person became an adult.

24 **SECTION 416v.** 938.48 (14) of the statutes is amended to read:

1 938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES ~~OVER 17~~ WHO BECOME
2 ADULTS. Pay maintenance, tuition, and related expenses from the appropriation
3 under s. 20.410 (3) (ho) for persons who, when they ~~attained 17 years of age~~ became
4 adults, were students regularly attending a school, college, or university or regularly
5 attending a course of vocational or technical training designed to prepare them for
6 gainful employment, and who upon ~~attaining that age~~ becoming adults were under
7 the supervision of the department under s. ~~938.183, 938.34 (4h), (4m), or (4n), or~~
8 ~~938.357 (3) or (4)~~ this chapter as a result of a judicial decision.

9 **SECTION 416w.** 938.48 (14) of the statutes, as affected by 2019 Wisconsin Act
10 8 and 2021 Wisconsin Act (this act), is repealed and recreated to read:

11 938.48 (14) SCHOOL-RELATED EXPENSES FOR JUVENILES WHO BECOME ADULTS. Pay
12 maintenance, tuition, and related expenses from the appropriation under s. 20.410
13 (3) (ho) for persons who, when they became adults, were students regularly attending
14 a school, college, or university or regularly attending a course of vocational or
15 technical training designed to prepare them for gainful employment, and who upon
16 becoming adults were under the supervision of the department under this chapter
17 as a result of a judicial decision.

18 **SECTION 416x.** 938.57 (3) (title) of the statutes is amended to read:

19 938.57 (3) (title) CONTINUING MAINTENANCE FOR JUVENILES ~~OVER 17~~ WHO BECOME
20 ADULTS.

21 **SECTION 416y.** 938.57 (3) (a) (intro.) of the statutes is amended to read:

22 938.57 (3) (a) (intro.) From the reimbursement received under s. 48.569 (1) (d),
23 counties may provide funding for the maintenance of any juvenile person who meets
24 all of the following qualifications:

25 **SECTION 416z.** 938.57 (3) (a) 1. of the statutes is amended to read:

1 938.57 (3) (a) 1. Is ~~17 years of age or older~~ an adult.

2 **SECTION 416za.** 938.57 (3) (a) 3. of the statutes is amended to read:

3 938.57 (3) (a) 3. Received funding under s. 48.569 (1) (d) immediately prior to
4 ~~his or her 17th birthday~~ becoming an adult.

5 **SECTION 416zb.** 938.57 (3) (b) of the statutes is amended to read:

6 938.57 (3) (b) The funding provided for the maintenance of a juvenile person
7 under par. (a) shall be in an amount equal to that which the juvenile person would
8 receive under s. 48.569 (1) (d) if the person were a juvenile ~~were 16 years of age~~.

9 **SECTION 416zc.** 939.632 (1) (e) 1. of the statutes is amended to read:

10 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
11 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,
12 940.32, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1)
13 or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055,
14 948.07, 948.08, 948.085, or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1.
15 b. applies.

16 **SECTION 416zd.** 939.632 (1) (e) 3. of the statutes is amended to read:

17 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), ~~940.32~~
18 ~~(2)~~, 940.42, 940.44, 941.20 (1), 941.23, 941.231, 941.235, or 941.38 (3).

19 **SECTION 416ze.** 946.50 (intro.) of the statutes is amended to read:

20 **946.50 Absconding.** (intro.) Any person who is adjudicated delinquent, but
21 who intentionally fails to appear before the court assigned to exercise jurisdiction
22 under chs. 48 and 938 for his or her dispositional hearing under s. 938.335, and who
23 does not return to that court for a dispositional hearing before ~~attaining the age of~~
24 ~~17 years~~ becoming an adult is guilty of the following:

25 **SECTION 416zf.** 948.01 (1) of the statutes is amended to read:

1 948.01 (1) “Child” means a person who has not attained the age of 18 years,
2 except that for purposes of prosecuting a person who is alleged to have violated a
3 state or federal criminal law, “child” does not include a person who has attained the
4 age of 17 years.

5 **SECTION 416zg.** 948.11 (2) (am) (intro.) of the statutes is amended to read:

6 948.11 (2) (am) (intro.) Any person who has attained the age of 17 and adult
7 who, with knowledge of the character and content of the description or narrative
8 account, verbally communicates, by any means, a harmful description or narrative
9 account to a child, with or without monetary consideration, is guilty of a Class I
10 felony if any of the following applies:

11 **SECTION 416zh.** 948.45 (1) of the statutes is amended to read:

12 948.45 (1) Except as provided in sub. (2), any person ~~17 years of age or older~~
13 adult who, by any act or omission, knowingly encourages or contributes to the
14 truancy, as defined under s. 118.16 (1) (c), of a person ~~17 years of age or under~~ child
15 is guilty of a Class C misdemeanor.

16 **SECTION 416zi.** 948.60 (2) (d) of the statutes is amended to read:

17 948.60 (2) (d) A person ~~under 17 years of age~~ child who has violated this
18 subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under
19 s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction
20 under s. 938.183.

21 **SECTION 416zj.** 948.61 (4) of the statutes is amended to read:

22 948.61 (4) A person ~~under 17 years of age~~ child who has violated this section
23 is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18
24 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s.
25 938.183.”.

1 **35.** Page 355, line 20: after that line insert:

2 “**SECTION 417c.** 973.01 (2) (d) 3. of the statutes is repealed.

3 **SECTION 417d.** 973.01 (2) (d) 4. of the statutes is amended to read:

4 973.01 (2) (d) 4. For a Class D, E, F, or G felony, the term of extended
5 supervision may not exceed 5 years.

6 **SECTION 417e.** 973.01 (3g) of the statutes is repealed.

7 **SECTION 417f.** 973.01 (5m) of the statutes is created to read:

8 973.01 (5m) EARLY DISCHARGE FROM EXTENDED SUPERVISION. (a) In this
9 subsection, “qualifying offense” means a crime other than a violation of ch. 940 or s.
10 948.02, 948.025, 948.03, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08,
11 948.085, or 948.095.

12 (b) The court may modify the person’s sentence by reducing the term of
13 extended supervision and may order early discharge of the person from the sentence
14 if all of the following apply:

15 1. The department petitions the court to discharge the person from extended
16 supervision for a qualifying offense.

17 2. The person has completed 3 years or 50 percent of his or her term of extended
18 supervision for the qualifying offense, whichever is less.

19 3. The person has satisfied all conditions of extended supervision that were set
20 by the sentencing court for the qualifying offense.

21 4. The person has satisfied all rules and conditions of supervision that were set
22 by the department for the qualifying offense.

23 5. The person has fulfilled all financial obligations to his or her victims.

24 6. The person is not required to register under s. 301.45.

1 (c) If a person is serving more than one sentence, early discharge under par. (b)
2 applies only to the terms of extended supervision imposed for qualifying offenses.

3 (d) 1. In this paragraph, "victim" has the meaning given in s. 950.02 (4).

4 2. When a court receives a petition under par. (b) 1., the clerk of the circuit court
5 shall send a notice of hearing to the victim of the crime committed by the person
6 serving the term of extended supervision, if the victim has submitted a card under
7 subd. 3. requesting notification. The notice shall inform the victim that he or she may
8 appear at any hearing scheduled under par. (b) and shall inform the victim of the
9 manner in which he or she may provide a statement concerning the early discharge
10 from extended supervision. The clerk of the circuit court shall make a reasonable
11 attempt to send the notice of hearing to the last-known address of the victim,
12 postmarked at least 10 days before the date of the hearing.

13 3. The director of state courts shall design and prepare cards for a victim to send
14 to the clerk of the circuit court for the county in which the person serving the term
15 of extended supervision was convicted and sentenced. The cards shall have space for
16 a victim to provide his or her name and address, the name of the applicable person
17 serving a term of extended supervision, and any other information that the director
18 of state courts determines is necessary. The director of state courts shall provide the
19 cards, without charge, to clerks of circuit court. Clerks of circuit court shall provide
20 the cards, without charge, to victims. Victims may send completed cards to the clerk
21 of the circuit court for the county in which the person serving a term of extended
22 supervision was convicted and sentenced. All court records or portions of records
23 that relate to mailing addresses of victims are not subject to inspection or copying
24 under s. 19.35 (1).

25 **SECTION 417g.** 973.01 (8) (a) 6. of the statutes is created to read:

1 973.01 (8) (a) 6. The conditions under which the court may reduce the term of
2 the person's extended supervision under sub. (5m).

3 **SECTION 417h.** 973.01 (8) (ag) of the statutes is amended to read:

4 973.01 (8) (ag) ~~If the The court provides under sub. (3g) that shall inform the~~
5 ~~person is eligible to participate in of the availability of the earned release program~~
6 ~~under s. 302.05 (3), the court shall also inform the person of the provisions of s. 302.05~~
7 ~~(3) (e).~~

8 **SECTION 417i.** 973.10 (2) (intro.) of the statutes is renumbered 973.10 (2) (am)
9 and amended to read:

10 973.10 (2) (am) If a probationer violates the conditions of probation, the
11 department of corrections may initiate a proceeding before the division of hearings
12 and appeals in the department of administration. Unless waived by the probationer,
13 a hearing examiner for the division shall conduct an administrative hearing and
14 enter an order either revoking or not revoking probation. Upon request of either
15 party, the administrator of the division shall review the order. If the probationer
16 waives the final administrative hearing, the secretary of corrections shall enter an
17 order either revoking or not revoking probation.

18 **(bm) 2.** If probation is revoked, the department shall do one of the following:

19 **SECTION 417j.** 973.10 (2) (a) and (b) of the statutes are renumbered 973.10 (2)
20 (bm) 2. a. and b.

21 **SECTION 417k.** 973.10 (2) (bm) 1. of the statutes is created to read:

22 973.10 (2) (bm) 1. Probation may not be revoked unless one of the following
23 applies:

24 a. The person committed 3 or more independent violations while on probation.

1 b. The condition that the person violated was a condition that the person not
2 contact any specified individual.

3 c. The person was required to register as a sex offender under s. 301.45.

4 d. When the person violated the condition of probation, the person also
5 allegedly committed a crime.

6 e. The person failed to report or make himself or herself available for
7 supervision for a period of more than 60 consecutive days.

8 **SECTION 417L.** 973.10 (2s) of the statutes is repealed.

9 **SECTION 417m.** 973.15 (5) of the statutes is amended to read:

10 **973.15 (5)** A convicted offender who is made available to another jurisdiction
11 under ch. 976 or in any other lawful manner shall be credited with service of his or
12 her Wisconsin sentence or commitment under the terms of s. ss. 973.155 and 973.156
13 for the duration of custody in the other jurisdiction.

14 **SECTION 417n.** 973.156 of the statutes is created to read:

15 **973.156 Earned compliance credit. (1)** In this section, “qualifying offense”
16 means a crime other than a violation of ch. 940 or s. 948.02, 948.025, 948.03, 948.05,
17 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, or 948.095.

18 **(2)** Upon the revocation of extended supervision under s. 302.113 (9) or parole
19 under s. 302.11 (7), a person shall be given earned compliance credit toward the
20 service of his or her sentence for a qualifying offense for each day that the person
21 spent on extended supervision or parole without violating a condition or rule of
22 extended supervision or parole prior to the violation that resulted in the revocation.
23 A person may not be given earned compliance credit for any time between the date
24 of the most recent violation and the date of the revocation.

1 **(3)** Subsection (2) does not apply to a person who is required to register under
2 s. 301.45.

3 **(4)** If a person is serving more than one sentence, earned compliance credit
4 under sub. (2) is earned only for the time spent on extended supervision or parole for
5 qualifying offenses.

6 **(5)** The amount of the credit under sub. (2) shall be calculated and applied by
7 the appropriate reviewing authority under s. 302.11 (7) (am) or 302.113 (9) (am) 1.”.

8 **36.** Page 355, line 20: after that line insert:

9 “**SECTION 417dm.** 973.01 (3) of the statutes is amended to read:

10 973.01 **(3)** NOT APPLICABLE TO LIFE SENTENCES. If a person is being sentenced for
11 a felony that is punishable by life imprisonment, he or she is not subject to this
12 section but shall be sentenced under s. 973.014 (1g) or (3).

13 **SECTION 417em.** 973.01 (4) of the statutes is amended to read:

14 973.01 **(4)** NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
15 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
16 confinement in prison portion of the sentence without reduction for good behavior.
17 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
18 and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g),
19 973.018, 973.195 (1r), or 973.198.

20 **SECTION 417hm.** 973.014 (1) (intro.) of the statutes is amended to read:

21 973.014 **(1)** (intro.) Except as provided in sub. (2) or (3), when a court sentences
22 a person to life imprisonment for a crime committed on or after July 1, 1988, but
23 before December 31, 1999, the court shall make a parole eligibility determination
24 regarding the person and choose one of the following options:

1 **SECTION 417hn.** 973.014 (1g) (a) (intro.) of the statutes is amended to read:
2 973.014 **(1g)** (a) (intro.) Except as provided in sub. (2) or (3), when a court
3 sentences a person to life imprisonment for a crime committed on or after December
4 31, 1999, the court shall make an extended supervision eligibility date determination
5 regarding the person and choose one of the following options:

6 **SECTION 417ho.** 973.014 (3) of the statutes is created to read:

7 973.014 **(3)** (a) In this subsection, “youthful offender” means a person who
8 committed an offense before the person attained the age of 18 years.

9 (b) When a court sentences a youthful offender to life imprisonment for a crime
10 committed on or after July 1, 1988, but before December 31, 1999, the court shall set
11 a date on which the youthful offender is eligible for parole.

12 (c) When a court sentences a youthful offender to life imprisonment for a crime
13 committed on or after December 31, 1999, the court shall set a date on which the
14 youthful offender is eligible for release to extended supervision.

15 (d) When sentencing a youthful offender to life imprisonment under par. (b) or
16 (c), the court shall inform the youthful offender of the procedure for petitioning for
17 a sentence adjustment under s. 973.018.

18 (e) When sentencing a youthful offender to life imprisonment under par. (b) or
19 (c), the court shall consider, in addition to all other relevant factors, all of the
20 following:

21 1. That, because children are less criminally culpable and more amenable to
22 reform, youthful offenders are constitutionally different from adults for the purposes
23 of sentencing.

24 2. That the sentencing goals of deterrence, retribution, and incapacitation are
25 secondary to the goal of rehabilitation when sentencing youthful offenders.

1 3. That unless the state proves beyond a reasonable doubt that the youthful
2 offender is permanently incorrigible and is therefore unable to be rehabilitated,
3 youthful offenders must have a meaningful opportunity to obtain release from prison
4 based on maturity and rehabilitation.

5 **SECTION 417hp.** 973.017 (2c) of the statutes is created to read:

6 **973.017 (2c) MITIGATION FOR YOUTH.** When making a sentencing decision for a
7 person who had not attained the age of 18 years at the time the crime was committed,
8 the court shall consider all of the following mitigating factors:

9 (a) That, because children are less criminally culpable and more amenable to
10 reform, youthful offenders are constitutionally different from adults for the purposes
11 of sentencing.

12 (b) That the sentencing goals of deterrence, retribution, and incapacitation are
13 secondary to the goal of rehabilitation when sentencing youthful offenders.

14 (c) That unless the state proves beyond a reasonable doubt that the youthful
15 offender is permanently incorrigible and is therefore unable to be rehabilitated,
16 youthful offenders must have a meaningful opportunity to obtain release from prison
17 based on maturity and rehabilitation.

18 **SECTION 417hq.** 973.018 of the statutes is created to read:

19 **973.018 Sentence adjustment for youthful offenders. (1) DEFINITION.** In
20 this section, “youthful offender” has the meaning given in s. 973.014 (3) (a).

21 **(2) SENTENCE ADJUSTMENT; FACTORS.** A court may reduce a term of
22 imprisonment, including life imprisonment under s. 973.014 (3), for a youthful
23 offender who has served 15 years of his or her term of imprisonment if the court finds
24 that the interests of justice warrant a reduction. In making its determination, the
25 court shall consider all of the following:

1 (a) The sentencing factors set forth in ss. 973.014 (3) (e) and 973.017 (2c).

2 (b) The youthful offender's subsequent growth, behavior, and rehabilitation
3 while incarcerated.

4 **(3) PETITION FOR SENTENCE ADJUSTMENT.** (a) One year before the youthful
5 offender becomes eligible for a sentence adjustment under this section, the
6 department shall provide written notice of the eligibility to the qualifying youthful
7 offender, the sentencing court, the district attorney for the county in which the
8 youthful offender was sentenced, and the state public defender. Notice under this
9 paragraph shall include notice of the youthful offender's right to counsel and notice
10 that if the youthful offender believes that he or she cannot afford an attorney, the
11 youthful offender may ask the state public defender to represent him or her.

12 (b) A youthful offender has a right to counsel in the sentence adjustment
13 proceedings under this section. The right to counsel begins at the service of notice
14 under par. (a).

15 (c) After service of notice under par. (a) and upon request by the youthful
16 offender or the youthful offender's attorney, the court shall make documents from the
17 sentencing hearing available to the youthful offender or his or her attorney, including
18 the presentence investigation report in accordance with s. 972.15 (4m) and the
19 transcript from the sentencing hearing.

20 (d) A qualifying youthful offender may file a petition for a sentence adjustment
21 under this section. The petitioner shall file the petition and any affidavits and other
22 written support for the petition in the sentencing court no more than 90 days before
23 the youthful offender's eligibility date. A copy of the petition shall be served on the
24 district attorney in the county in which the youthful offender was sentenced.

1 (e) Upon receipt of a petition under par. (d), the district attorney shall notify
2 any victims of the crime in accordance with s. 950.04 (1v) (gm).

3 **(4) HEARING.** (a) The court shall hold a hearing within 120 days of a petition
4 filed under sub. (3) (d), unless all parties agree to an extension for the hearing date.

5 (b) The court shall consider relevant information, including expert testimony
6 and other information about the youthful offender's participation in any available
7 educational, vocational, volunteer, community service, or other programs, the
8 youthful offender's work reports and psychological evaluations, and the youthful
9 offender's major violations of institutional rules, if any.

10 (c) The youthful offender has the right to attend the hearing, the right to be
11 represented by counsel, and the right to testify, present evidence, and cross-examine
12 witnesses.

13 (d) The victim shall be given the opportunity to provide a statement concerning
14 sentencing in accordance with s. 950.04 (1v) (m).

15 (e) A hearing under this subsection shall be recorded.

16 (f) The decision of the court on a petition under sub. (3) is a final adjudication
17 subject to appeal under s. 809.30.

18 **(5) ORDER.** If the court finds that the interests of justice warrant a sentence
19 adjustment, the court may amend the judgment of conviction according to one of the
20 following:

21 (a) If the youthful offender is serving a sentence for a crime committed before
22 December 31, 1999, reduce the parole eligibility date and modify the conditions of
23 parole. The court may also reduce the sentence, but shall provide for at least 3 years
24 of parole supervision after release from prison.

1 (b) Upon request by the youthful offender, for a crime committed before
2 December 31, 1999, convert an indeterminate sentence to a bifurcated sentence
3 under s. 973.01 or 973.014 (1g). If the court converts the indeterminate sentence to
4 a bifurcated sentence, the court shall set a date for release to extended supervision
5 under s. 302.113 that is no later than the original parole eligibility date. The court
6 may also modify the conditions of parole or extended supervision.

7 (c) For a crime committed on or after December 31, 1999, reduce the term of
8 confinement in prison and modify the conditions of extended supervision. The court
9 may also reduce the total length of the bifurcated sentence. Notwithstanding s.
10 973.01 (2) (d), the court shall provide for at least 3 years of extended supervision
11 under s. 302.113.

12 (d) For a life sentence without the possibility of parole or release to extended
13 supervision under s. 973.014 (1) (c) or (1g) (a) 3., convert the sentence to a life
14 sentence with the possibility of parole or release to extended supervision and set a
15 date for parole eligibility or release to extended supervision and conditions for parole
16 or extended supervision accordingly.

17 **(6) SUBSEQUENT PETITIONS.** A youthful offender is eligible to file a subsequent
18 petition under sub. (3) no earlier than 5 years after a hearing is held under sub. (4),
19 unless the court sets an earlier date. A youthful offender may file no more than 5
20 petitions under sub. (3) during his or her sentence.

21 **(7) SENTENCE MODIFICATION ON OTHER GROUNDS.** Nothing in this section limits
22 the youthful offender's right to resentencing, sentence adjustment, or sentence
23 modification on other grounds, including under s. 302.113 (9g) or 302.114.

24 **SECTION 417Lm.** 973.15 (2m) (a) 1. of the statutes is amended to read:

1 973.15 **(2m)** (a) 1. “Determinate sentence” means a bifurcated sentence
2 imposed under s. 973.01 or a life sentence under which a person is eligible for release
3 to extended supervision under s. 973.014 (1g) (a) 1. or 2. or (3) (c).

4 **SECTION 417o.** 977.05 (4) (i) 10. of the statutes is created to read:

5 977.05 **(4)** (i) 10. Cases involving youthful offenders under s. 973.018 (3).

6 **SECTION 417p.** 978.07 (1) (c) 1. of the statutes is amended to read:

7 978.07 **(1)** (c) 1. Any case record of a felony punishable by life imprisonment
8 or a related case, after the defendant’s parole eligibility date under s. 304.06 (1) or
9 973.014 (1) or (3) (b) or date of eligibility for release to extended supervision under
10 s. 973.014 (1g) (a) 1. or 2. or (3) (c), whichever is applicable, or 50 years after the
11 commencement of the action, whichever occurs later. If there is no parole eligibility
12 date or no date for release to extended supervision, the district attorney may destroy
13 the case record after the defendant’s death.”.

14 **37.** Page 355, line 20: after that line insert:

15 “**SECTION 418m.** 2017 Wisconsin Act 185, section 110 (1) (a), as last affected by
16 2019 Wisconsin Act 8, is amended to read:

17 [2017 Wisconsin Act 185] Section 110 (1) (a) Upon the establishment of the Type
18 1 juvenile correctional facilities under subsection (7) and the secured residential care
19 centers for children and youth under subsections (4) and (7m), the department of
20 corrections shall begin to transfer each juvenile held in secure custody at the Lincoln
21 Hills School and Copper Lake School to the appropriate Type 1 juvenile correctional
22 facility or secured residential care center for children and youth. No juvenile may
23 be transferred to a Type 1 juvenile correctional facility until the department of
24 corrections determines the facility to be ready to accept juveniles, and no juvenile

1 may be transferred to a secured residential care center for children and youth until
2 the entity operating the facility determines it to be ready to accept juveniles. The
3 transfers may occur in phases. The department shall transfer ~~all juveniles~~ a juvenile
4 under this subsection no later than July 1, 2021 as soon as a substitute placement
5 that meets the needs of the juvenile is ready.

6 **SECTION 418n.** 2017 Wisconsin Act 185, section 110 (2) (a), as last affected by
7 2019 Wisconsin Act 8, is amended to read:

8 [2017 Wisconsin Act 185] Section 110 (2) (a) On the ~~earlier of the~~ date on which
9 all juveniles have been transferred to secured residential care centers for children
10 and youth and Type 1 juvenile correctional facilities under subsection (1) ~~or July 1,~~
11 2021 (a) or transferred to a juvenile detention facility under 2019 Wisconsin Act 8,
12 section 72 (1), the department of corrections shall permanently close the Type 1
13 juvenile correctional facilities housed at the Lincoln Hills School and Copper Lake
14 School in the town of Birch, Lincoln County.

15 **SECTION 418o.** 2017 Wisconsin Act 185, section 110 (7), as last affected by 2019
16 Wisconsin Act 8, is amended to read:

17 [2017 Wisconsin Act 185] Section 110 (7) TYPE 1 JUVENILE CORRECTIONAL
18 FACILITIES. The department of corrections shall establish or construct the Type 1
19 juvenile correctional facilities under section 301.16 (1w) (a) of the statutes ~~no later~~
20 ~~than July 1, 2021,~~ subject to the approval of the joint committee on finance. The
21 department shall consider the recommendations of the juvenile corrections study
22 committee under subsection (6) (c) 2. in establishing or constructing these facilities.

23 **SECTION 418p.** 2017 Wisconsin Act 185, section 112 (1), as last affected by 2019
24 Wisconsin Act 8, is amended to read:

1 [2017 Wisconsin Act 185] Section 112 (1) The treatment of sections 46.011 (1p)
2 (by SECTION 13), 46.057 (1) (by SECTION 15), 48.023 (4) (by SECTION 20), 49.11 (1c) (by
3 SECTION 27), 49.45 (25) (bj) (by SECTION 29), 301.01 (1n) (by SECTION 35), 301.20,
4 938.02 (4) (by SECTION 50), 938.34 (2) (a) (by SECTION 57) and (b) (by SECTION 59) and
5 (4m) (intro.) (by SECTION 62), 938.48 (3) (by SECTION 78), (4) (by SECTION 80), (4m) (b)
6 (by SECTION 82), (5) (by SECTION 84), (6) (by SECTION 86), and (14) (by SECTION 88),
7 938.505 (1) (by SECTION 96), 938.52 (2) (a) and (c) (by SECTION 98), 938.53 (by SECTION
8 100), and 938.54 (by SECTION 107) of the statutes takes effect on the date specified
9 in the notice under SECTION 110 (2) (b) ~~or July 1, 2021, whichever is earlier.~~

10 **SECTION 418q.** 2019 Wisconsin Act 8, section 72 (1) (b) is amended to read:

11 [2019 Wisconsin Act 8] Section 72 (1) (b) Notwithstanding s. 938.34 (3) (f) 1.,
12 a juvenile may be placed in a juvenile detention facility under par. (a) for a period
13 longer than 365 days, and shall be transferred out of the juvenile detention facility
14 using the procedure ~~and by the date~~ required under 2017 Wisconsin Act 185, section
15 110 (1). The department of corrections shall transfer all juveniles placed in a juvenile
16 detention facility under par. (a) out of the juvenile detention facility ~~no later than~~
17 July 1, 2021 as soon as a substitute placement that meets the needs of the juvenile
18 is ready.

19 **SECTION 418r.** 2019 Wisconsin Act 8, section 74 (1) is amended to read:

20 [2019 Wisconsin Act 8] Section 74 (1) The treatment of ss. 46.011 (1p), 48.023
21 (4), 49.11 (1c), 49.45 (25) (bj), 301.01 (1n), 938.02 (4), 938.34 (4m) (intro.) (by SECTION
22 33) and (4n) (intro.), 938.357 (4g) (a), 938.48 (3), (4), (4m) (b), (5), (6), and (14), 938.505
23 (1), 938.52 (2) (a) and (c), 938.53, 938.533 (2) (intro.), and 938.54 takes effect on the
24 date specified in the notice under 2017 Wisconsin Act 185, SECTION 110 (2) (b), ~~or July~~
25 1, 2021, whichever is earlier."

1 **38.** Page 355, line 20: after that line insert:

2 “**SECTION 417a.** 961.455 (title) of the statutes is amended to read:

3 **961.455 (title) Using a ~~child~~ minor for illegal drug distribution or**
4 **manufacturing purposes.**

5 **SECTION 417ab.** 961.455 (1) of the statutes is amended to read:

6 961.455 (1) Any ~~person who has attained the age of 17 years~~ adult who
7 knowingly solicits, hires, directs, employs, or uses a ~~person who is under the age of~~
8 ~~17 years~~ minor for the purpose of violating s. 961.41 (1) is guilty of a Class F felony.

9 **SECTION 417ac.** 961.455 (2) of the statutes is amended to read:

10 961.455 (2) The knowledge requirement under sub. (1) does not require proof
11 of knowledge of the age of the ~~child~~ minor. It is not a defense to a prosecution under
12 this section that the actor mistakenly believed that the person solicited, hired,
13 directed, employed, or used under sub. (1) had attained the age of 18 years, even if
14 the mistaken belief was reasonable.

15 **SECTION 417ad.** 961.46 of the statutes is amended to read:

16 **961.46 Distribution to ~~persons under age 18~~ minors.** ~~If a person 17 years~~
17 ~~of age or over~~ an adult violates s. 961.41 (1) by distributing or delivering a controlled
18 substance or a controlled substance analog to a ~~person 17 years of age or under~~ minor
19 who is at least 3 years his or her junior, the applicable maximum term of
20 imprisonment prescribed under s. 961.41 (1) for the offense may be increased by not
21 more than 5 years.

22 **SECTION 417ae.** 961.573 (2) of the statutes is amended to read:

23 961.573 (2) Any ~~person~~ minor who violates sub. (1) ~~who is under 17 years of age~~
24 is subject to a disposition under s. 938.344 (2e).

1 **SECTION 417af.** 961.574 (2) of the statutes is amended to read:

2 961.574 (2) Any person minor who violates sub. (1) who is under 17 years of age
3 is subject to a disposition under s. 938.344 (2e).

4 **SECTION 417ag.** 961.575 (1) of the statutes is amended to read:

5 961.575 (1) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (1)
6 by delivering drug paraphernalia to a ~~person 17 years of age or under~~ minor who is
7 at least 3 years younger than the violator may be fined not more than \$10,000 or
8 imprisoned for not more than 9 months or both.

9 **SECTION 417ah.** 961.575 (2) of the statutes is amended to read:

10 961.575 (2) Any person minor who violates this section ~~who is under 17 years~~
11 ~~of age~~ is subject to a disposition under s. 938.344 (2e).

12 **SECTION 417b.** 961.575 (3) of the statutes is amended to read:

13 961.575 (3) Any person ~~17 years of age or over~~ adult who violates s. 961.574 (3)
14 by delivering drug paraphernalia to a ~~person 17 years of age or under~~ minor is guilty
15 of a Class G felony.

16 **SECTION 417q.** 990.01 (3) of the statutes is amended to read:

17 990.01 (3) ADULT. “Adult” means a person who has attained the age of 18 years,
18 ~~except that for purposes of investigating or prosecuting a person who is alleged to~~
19 ~~have violated any state or federal criminal law or any civil law or municipal~~
20 ~~ordinance, “adult” means a person who has attained the age of 17 years.~~

21 **SECTION 417r.** 990.01 (20) of the statutes is amended to read:

22 990.01 (20) MINOR. “Minor” means a person who has not attained the age of
23 18 years, ~~except that for purposes of investigating or prosecuting a person who is~~
24 ~~alleged to have violated a state or federal criminal law or any civil law or municipal~~
25 ~~ordinance, “minor” does not include a person who has attained the age of 17 years.”.~~

1 **39.** Page 355, line 20: after that line insert:

2 “**SECTION 417adm.** 961.472 (5) (b) of the statutes is amended to read:

3 961.472 (5) (b) The person is participating in a an evidence-based substance
4 ~~abuse use disorder~~ treatment program that meets the requirements of s. 165.95 (3),
5 as determined by the department of justice under s. 165.95 (9) and (10).

6 **SECTION 417bg.** 967.11 (1) of the statutes is amended to read:

7 967.11 (1) In this section, “~~approved substance abuse treatment program~~”
8 means a ~~substance abuse treatment~~ program that meets the requirements of s.
9 165.95 (3), as determined by the department of justice under s. 165.95 (9) and (10).

10 **SECTION 417bm.** 967.11 (2) of the statutes is amended to read:

11 967.11 (2) If a county establishes an approved ~~substance abuse treatment~~
12 program and the approved program authorizes the use of surveillance and
13 monitoring technology or day reporting programs, a court or a district attorney may
14 require a person participating in an the approved ~~substance abuse treatment~~
15 program to submit to surveillance and monitoring technology or a day reporting
16 program as a condition of participation.

17 **SECTION 417mp.** 973.155 (1m) of the statutes is amended to read:

18 973.155 (1m) A convicted offender shall be given credit toward the service of
19 his or her sentence for all days spent in custody as part of a ~~substance abuse~~
20 ~~treatment~~ program that meets the requirements of s. 165.95 (3), as determined by
21 the department of justice under s. 165.95 (9) and (10), for any offense arising out of
22 the course of conduct that led to the person’s placement in that program.”.

23 **40.** Page 387, line 2: after that line insert:

24 “**SECTION 9108. Nonstatutory provisions; Corrections.**

1 (1e) EARNED RELEASE PROGRAM; REPORT. No later than the first day of the 12th
2 month beginning after the effective date of this subsection, the department of
3 corrections shall submit a report to the chief clerk of each house of the legislature for
4 distribution to the appropriate standing committees under s. 13.172 (3). The
5 department shall report on the aging and elderly population of inmates in Wisconsin
6 prisons, the costs of health care and other accommodations for that population, and
7 trends and projections for the aging and elderly population and associated costs. The
8 department shall also report on the feasibility, including costs and projected savings,
9 of establishing and operating a state run facility for elderly inmates, the feasibility
10 for adopting electronic monitoring as an alternative to incarceration for elderly
11 inmates, and the possibility for eligibility for medical assistance for individuals who
12 would qualify for alternatives to incarceration.

13 (2e) EARNED RELEASE PROGRAM; RULES. The department of corrections shall
14 update its administrative rules to implement earned release for completion of a
15 vocational readiness training program under s. 302.05 (3), including specification of
16 the eligibility criteria for persons sentenced before the effective date of this
17 subsection to participate in the program.

18 (3e) CONDITIONS OF SUPERVISION. No later than July 1, 2022, the department of
19 corrections shall review the efficacy of its standard conditions and rules of
20 supervision, and shall provide a report to the governor, the chief clerk of each house
21 of the legislature for distribution to the appropriate standing committees in the
22 manner provided under s. 13.172 (3), and the director of state courts. The report shall
23 include the number of violations reported for each condition and rule and a
24 comparison of the department of correction's standard conditions and rules of
25 supervision to conditions and rules of supervision in other states.

1 (4e) EARNED COMPLIANCE CREDIT. A person who is serving a sentence for a
2 violation other than a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05,
3 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, or 948.095 and who is in
4 custody upon revocation of extended supervision or parole on the effective date of this
5 subsection may petition the department to be given credit under s. 973.156. Upon
6 proper verification of the facts alleged in the petition, s. 973.156 shall be applied
7 retroactively to the person. If the department is unable to determine whether credit
8 should be given, or otherwise refuses to award retroactive credit, the person may
9 petition the sentencing court for relief. This subsection applies regardless of the date
10 the person was sentenced. A person who is required to register under s. 301.45 is not
11 eligible to receive credit under this subsection.

12 (5e) REPORTS ON RISK ASSESSMENT AND TRAINING.

13 (a) The department of corrections shall conduct a review of the department's
14 evidence-based risk assessment tool and shall submit a report to the governor, the
15 chief clerk of each house of the legislature for distribution to the appropriate
16 standing committees in the manner provided under s. 13.172 (3), and the director of
17 state courts no later than the first day of the 12th month beginning after the effective
18 date of this paragraph. The department shall include in the report a review of the
19 available alternatives to the current risk assessment tool and the costs and savings
20 that would result from the use of alternatives. The department shall include in its
21 review the efficacy of an evidence-based risk assessment tool that uses ongoing or
22 recurring evaluations of an individual's ability to meet the conditions of supervision.

23 (b) The department of corrections shall conduct a review of the department's
24 training of community supervision officers and shall submit a report to the governor,
25 the chief clerk of each house of the legislature for distribution to the appropriate

1 standing committees in the manner provided under s. 13.172 (3), and the director of
2 state courts no later than the first day of the 12th month beginning after the effective
3 date of this paragraph. The department shall include in its report an evaluation of
4 best practices and outcomes of training models used in other states.”.

5 **41.** Page 387, line 2: after that line insert:

6 **“SECTION 9108. Nonstatutory provisions; Corrections.**

7 (1r) SENTENCE ADJUSTMENT FOR YOUTHFUL OFFENDERS. No later than the first day
8 of the 6th month beginning after the effective date of this subsection, the department
9 of corrections shall provide written notice under s. 973.018 (3) (a) to all youthful
10 offenders who have served at least 14 years of their terms of imprisonment.”.

11 **42.** Page 387, line 13: after that line insert:

12 “(1q) OPENING AVENUES TO REENTRY SUCCESS PROGRAM. There is created in the
13 department of health services 1.0 FTE position to staff the Opening Avenues to
14 Reentry Success program to be funded from the appropriation under s. 20.435 (2)
15 (kp).”.

16 **43.** Page 389, line 18: after that line insert:

17 **“SECTION 9127. Nonstatutory provisions; Justice.**

18 (1r) SENTENCING REVIEW COUNCIL; REPORT. No later than July 1, 2022, the
19 sentencing review council shall submit a report on its findings and recommendations
20 under s. 165.27 (1) to (4) to the attorney general under s. 15.09 (7) and to the
21 appropriate standing committees of the legislature under s. 13.172 (3).”.

22 **44.** Page 396, line 11: after that line insert:

23 **“SECTION 9227. Fiscal changes; Justice.**

1 (1r) VIOLENCE INTERRUPTION GRANT PROGRAM. In fiscal year 2021-22, there is
2 transferred from the appropriation account under s. 20.455 (2) (f) to the
3 appropriation account under s. 20.455 (2) (ks) \$1,000,000.”.

4 **45.** Page 397, line 9: after that line insert:

5 **“SECTION 9308. Initial applicability; Corrections.**

6 (1e) REVOCATION AND SANCTIONS. The treatment of ss. 301.035 (2), 302.107 (2),
7 302.113 (8m) (a) and (b) and (9) (b) and (c), 302.114 (9) (ag), 302.115, 302.33 (1), 303.08
8 (1) (intro.), (2), (5) (intro.), (6), and (12), 304.06 (3g), 808.075 (4) (g) 3., 950.04 (1v) (vg),
9 973.10 (2) (intro.), (a), (b), and (bm) 1. and (2s), the renumbering and amendment of
10 ss. 302.11 (7) (ag) and (am), 302.113 (9) (ag) and (am), and 304.06 (3), and the creation
11 of ss. 302.11 (7) (ag) 1. and (am) 1. a. to e., 302.113 (9) (ag) 1. and 2. and (am) 1. a. to
12 e., and 304.06 (3) (g) 1. to 5. first apply to a person who is alleged to have violated a
13 condition or rule of probation, parole, or extended supervision on the effective date
14 of this subsection.”.

15 **46.** Page 397, line 9: after that line insert:

16 **“SECTION 9308. Initial applicability; Corrections.**

17 (1r) YOUTHFUL OFFENDERS; SENTENCING.

18 (a) The treatment of ss. 973.014 (1) (intro.), (1g) (a) (intro.), and (3) and 973.017
19 (2c) first applies to a conviction for which sentencing has occurred on the effective
20 date of this paragraph.

21 (b) The treatment of s. 973.018 first applies to a youthful offender who is
22 serving a term of imprisonment on the effective date of this paragraph.”.

23 **47.** Page 397, line 9: after that line insert:

24 **“SECTION 9308. Initial applicability; Corrections.**

1 (1s) AGE OF ADULT JURISDICTION. The treatment of ss. 48.02 (1d) and (2), 48.44,
2 48.45 (1) (a) and (am) and (3), 118.163 (4), 125.07 (4) (d) and (e) 1., 125.085 (3) (bt),
3 165.83 (1) (c) 1. and 2., 301.12 (2m) and (14) (a), 302.31 (7), 938.02 (1) and (10m),
4 938.12 (2), 938.18 (2), 938.183 (3), 938.255 (1) (intro.), 938.34 (8), 938.343 (2), 938.344
5 (3), 938.35 (1m), 938.355 (4) (b) and (4m) (a), 938.39, 938.44, 938.45 (1) (a) and (3),
6 938.48 (4m) (title) and (a), 938.57 (3) (title), (a) (intro.), 1., and 3., and (b), 939.632
7 (1) (e) 1. and 3., 946.50 (intro.), 948.01 (1), 948.11 (2) (am) (intro.), 948.45 (1), 948.60
8 (2) (d), 948.61 (4), 961.455 (title), (1), and (2), 961.46, 961.573 (2), 961.574 (2), 961.575
9 (1), (2), and (3), and 990.01 (3) and (20), subch. IX (title) of ch. 48, and subch. IX (title)
10 of ch. 938 and the amendment of s. 938.48 (4m) (b) and (14) first apply to a violation
11 of a criminal law, civil law, or municipal ordinance allegedly committed on the
12 effective date of this subsection.”.

13 **48.** Page 397, line 12: after that line insert:

14 **“SECTION 9327. Initial applicability; Justice.**

15 (1r) TREATMENT ALTERNATIVES AND DIVERSIONS. The treatment of ss. 165.95 (1)
16 (ac), (2), (2r), (3) (a), (ag), (b), (bd), (cm) 2., (d), (e), (g), (h), (i), (j), and (k), (5) (a) and
17 (b), (5m), (6), (7), and (7m) first applies to grants awarded under s. 165.95 (2) on the
18 effective date of this subsection.”.

19 **49.** Page 398, line 20: after that line insert:

20 **“SECTION 9408. Effective dates; Corrections.**

21 (1e) AGE OF JUVENILE JURISDICTION. The repeal and recreation of s. 938.48 (4m)
22 (b) and (14) takes effect on the date specified in the notice under 2017 Wisconsin Act
23 185, SECTION 110 (2) (b).”.

24 (END)