



2003 ASSEMBLY BILL 713

January 5, 2004 – Introduced by Representatives ALBERS, WIECKERT, BIES, HINES, F. LASEE, J. LEHMAN, OWENS and TOWNSEND. Referred to Committee on Criminal Justice.

1 **AN ACT to repeal** 973.09 (1) (d) 1., 2. and 3.; and **to renumber and amend**
2 973.09 (1) (d) of the statutes; **relating to:** probation for certain offenses that are
3 related to operating a motor vehicle while intoxicated, and good-time credit for
4 time served in jail as a condition of probation.

Analysis by the Legislative Reference Bureau

Under current law, a court may place a person who is convicted of a crime on probation instead of ordering the person to serve a sentence for the crime unless probation is prohibited for the crime. With certain exceptions, if a person commits a crime for which a minimum term of imprisonment of one year or less is required, a court may still place the person on probation, but must require that the person serve the minimum term of imprisonment as a condition of probation. The exceptions provide that a court may not place a person on probation for a second or third commission of certain offenses that are related to operating a motor vehicle while intoxicated (OWI).

Also under current law, an inmate who is sentenced to imprisonment in a county jail may earn good-time credit against his or her sentence for good behavior. A person generally may not earn good-time credit on a term of confinement in jail that is imposed as a condition of probation. However, a person who is placed on probation for a crime for which a minimum term of imprisonment of one year or less is required, may earn good-time credit on the term of confinement in jail that a court must impose as a condition of probation.

