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# Wisconsin Legislative Council

## ACT MEMO

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### 2021 Wisconsin Act 227 [2021 Assembly Bill 842]

### Release from Parole or Extended Supervision and Early Discharge From Probation

## BACKGROUND

State law specifies under what circumstances a sentencing court may modify a person's period of **probation** and discharge the person early from probation. For example, the probationer must have completed 50 percent of his or her period of probation and satisfied all of the rules and conditions of probation.

State law also provides that under certain circumstances an inmate may be released early from prison to **parole** or **extended supervision**. For example, an inmate who is incarcerated must satisfy various eligibility criteria specific to the program for release to parole or extended supervision, and may not be serving a life sentence. An inmate may not be released early from his or her term of confinement if the inmate is incarcerated for various specified crimes, specific to each program.

## 2021 WISCONSIN ACT 227

2021 Wisconsin Act 227 provides that a person is ineligible from being discharged early from **probation**; released early from prison onto **parole** through the special action release program; or released early from prison onto **extended supervision** through the challenge incarceration program or the compassionate release program, if the person has committed any of the following offenses:

- A crime that is a “violent felony” under [s. 941.29 \(1g\) \(a\), Stats.](#) (the criminal possession of a firearm statute). This definition of a violent felony includes more felonies than the violent felonies for which an inmate was ineligible, under prior law, for release from prison through either the special action release program, challenge incarceration program, or compassionate release program.
- A crime that is considered a “violent misdemeanor” under [s. 941.29 \(1g\) \(b\), Stats.](#) (the criminal possession of a firearm statute), other than the crimes against animals listed in this definition.
- A violation of any the following crimes against children that are not included in either the definition of a “violent felony” or “violent misdemeanor”, described above: (1) sexual assault of a child, failing to act; (2) causing a child to view or listen to sexual activity; (3) use of a computer to facilitate a child sex crime; or (4) sexual assault of a child by a school staff person or a person who works or volunteers with children. Prior law specified that a person was ineligible for early release from prison to the challenge incarceration if the person was incarcerated for one of these four crimes.

The act applies prospectively to convictions that occur on or after the effective date of the act.

**Effective date:** April 10, 2021

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