



2015 ASSEMBLY BILL 1000

March 15, 2016 - Introduced by Representatives GOYKE, BARNES, BROSTOFF, ZAMARRIPA, ZEPNICK, SPREITZER and CONSIDINE. Referred to Committee on Corrections.

1 **AN ACT** *to amend* 302.113 (9g) (cm); and *to create* 301.03 (3n) of the statutes;
2 **relating to:** modification of a sentence served by an inmate with an
3 extraordinary health condition.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Corrections to adopt evidence-based criteria for determining when to modify a sentence confining a person who has an extraordinary health condition.

The bill also requests the Legislative Audit Bureau to perform a financial and performance evaluation audit of modification by the Department of Corrections of sentences for inmates with extraordinary health conditions. If the bureau performs the audit, it must file its report by July 1, 2017.

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

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

4 **SECTION 1.** 301.03 (3n) of the statutes is created to read:

ASSEMBLY BILL 1000**SECTION 1**

1 301.03 **(3n)** Adopt evidence-based criteria for modifying the sentence of an
2 inmate who has an extraordinary health condition, as defined in s. 302.113 (9g) (a)
3 1.

4 **SECTION 2.** 302.113 (9g) (cm) of the statutes is amended to read:

5 302.113 **(9g)** (cm) ~~If, after~~ After receiving the petition under par. (c), the
6 program review committee ~~determines that~~ shall determine whether the public
7 interest would be served by a modification of the inmate's bifurcated sentence in the
8 manner provided under par. (f), ~~the.~~ The committee shall apply the criteria
9 developed under s. 301.03 (3n) when considering a petition submitted by an inmate
10 alleging that he or she has an extraordinary health condition. If the committee
11 determines that the public interest would be served by the modification, it shall
12 approve the petition for referral to the sentencing court and notify the department
13 of its approval. The department shall then refer the inmate's petition to the
14 sentencing court and request the court to conduct a hearing on the petition. If the
15 program review committee determines that the public interest would not be served
16 by a modification of the inmate's bifurcated sentence in the manner specified in par.
17 (f), the committee shall deny the inmate's petition.

18 **SECTION 3. Nonstatutory provisions.**

19 (1) AUDIT OF THE USE OF SENTENCE MODIFICATION. The legislative audit bureau
20 is requested to perform a financial and performance evaluation audit of modification
21 by the department of corrections of sentences for inmates with extraordinary health
22 conditions. If the legislative audit bureau performs the audit it shall file its report
23 as described under section 13.94 (1) (b) of the statutes by July 1, 2017.

24

(END)