

State of Wisconsin



2013 Assembly Bill 702

Date of enactment: April 7, 2014
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2013 WISCONSIN ACT 196

AN ACT *to renumber and amend* 301.03 (3); *to amend* 301.068 (5), 302.27 and 961.41 (3g) (am); and *to create* 301.03 (3) (a), (b) and (c), 304.06 (3g), 971.375 and 973.10 (2s) of the statutes; **relating to:** development of a system of short-term sanctions for individuals who violate conditions of extended supervision, parole, probation, or a deferred prosecution agreement, attempt to possess a schedule I or II controlled substance or analog that is a narcotic, and granting rule-making authority.

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

SECTION 1. 301.03 (3) of the statutes is renumbered 301.03 (3) (intro.) and amended to read:

301.03 (3) (intro.) Administer parole, extended supervision, and probation matters, except that the decision to grant or deny parole to inmates shall be made by the parole commission and the decision to revoke probation, extended supervision, or parole, in cases in which there is no waiver of the right to a hearing, shall be made by the division of hearings and appeals in the department of administration. The secretary may grant special action parole releases under s. 304.02. The department shall promulgate rules ~~establishing a drug testing program for probationers, parolees and persons placed on extended supervision. The rules shall provide for assessment of fees upon probationers, parolees and persons placed on extended supervision to partially offset the costs of the program.~~ to do all of the following:

SECTION 2. 301.03 (3) (a), (b) and (c) of the statutes are created to read:

301.03 (3) (a) Develop a system of short-term sanctions for violations of conditions of parole, probation,

extended supervision, and deferred prosecution agreements that sets forth a list of sanctions to be imposed for the most common violations.

(b) Ensure that the system of short-term sanctions developed under par. (a) does all of the following:

1. Takes into account the objective to be accomplished by imposing the sanction, considers the level of intensity necessary to achieve the objective, and considers the extent to which sanction imposition is likely to accomplish the objective.

2. Takes into account the goals of protecting the public, correcting the offender's behavior, and holding the offender accountable.

3. Determines when revocation is the required response to the violation.

4. Provides flexibility in imposing sanctions but also provides offenders with clear and immediate consequences for violations.

5. Provides examples of high, medium, and low level sanctions and what factors to consider when determining which level of sanction to apply.

6. Determines how to reward offenders for compliance with conditions of parole, of probation, of extended supervision, or of the agreement.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

7. Ensures that efforts to minimize the impact on an offender's employment are made when applying sanctions.

8. Ensures that efforts to minimize the impact on an offender's family are made when applying the sanctions.

(c) Perform reviews of sanctions imposed under the system to assess disparities among sanctions, to evaluate the effectiveness of sanctions, and to monitor the impact of sanctions on the number and type of revocations for violations.

SECTION 3. 301.068 (5) of the statutes is amended to read:

301.068 (5) The department shall provide to probation, extended supervision, and parole agents training and skill development in reducing offenders' risk of reoffending and intervention techniques and shall by rule set forth requirements for the training and skill development. The department shall develop policies to guide probation, extended supervision, and parole agents in the supervision and revocation of offenders on probation, extended supervision, and parole and develop practices regarding alternatives to revocation of probation, extended supervision, or parole. To the extent practicable, the department shall incorporate the practices into the system developed under s. 301.03 (3) (a).

SECTION 3k. 302.27 of the statutes is amended to read:

302.27 Contracts for temporary housing for or detention of persons on probation or prisoners. The department may contract with local governments for temporary housing or detention in county jails or county houses of correction for persons placed on probation or sentenced to imprisonment in state prisons or to the intensive sanctions program. The rate under any such contract may not exceed \$60 per person per day. Nothing in this section limits the authority of the department to place persons in jails under s. 301.048 (3) (a) 1.

SECTION 4. 304.06 (3g) of the statutes is created to read:

304.06 (3g) If a paroled prisoner signs a statement admitting a violation of a condition or rule of parole, the

department may, as a sanction for the violation, confine the prisoner for up to 90 days in a regional detention facility or, with the approval of the sheriff, in a county jail. If the department confines the prisoner in a county jail under this subsection, the department shall reimburse the county for its actual costs in confining the prisoner from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43, the prisoner is not eligible to earn good time credit on any period of confinement imposed under this subsection.

SECTION 4g. 961.41 (3g) (am) of the statutes is amended to read:

961.41 (3g) (am) *Schedule I and II narcotic drugs.* If a person possesses or attempts to possess a controlled substance included in schedule I or II which is a narcotic drug, or ~~possesses~~ a controlled substance analog of a controlled substance included in schedule I or II which is a narcotic drug, the person is guilty of a Class I felony.

SECTION 5. 971.375 of the statutes is created to read:
971.375 Deferred prosecution agreements; sanctions. The district attorney may subject a defendant to sanctions as provided in the system developed under s. 301.03 (3) (a) if the defendant violates a condition of a deferred prosecution agreement.

SECTION 6. 973.10 (2s) of the statutes is created to read:

973.10 (2s) If a probationer signs a statement admitting a violation of a condition or rule of probation, the department may, as a sanction for the violation, confine the probationer for up to 90 days in a regional detention facility or, with the approval of the sheriff, in a county jail. If the department confines the probationer in a county jail under this subsection, the department shall reimburse the county for its actual costs in confining the probationer from the appropriations under s. 20.410 (1) (ab) and (b).

SECTION 7. Initial applicability.

(1) This act first applies to violations occurring on the effective date of this subsection.