



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4458/1
CMH:amn

2019 ASSEMBLY BILL 805

January 27, 2020 - Introduced by Representatives HUTTON, BRANDTJEN, SANFELIPPO, DITTRICH, DUCHOW, EDMING, GUNDRUM, HORLACHER, JAGLER, JAMES, KNODL, KUGLITSCH, OTT, PLUMER, RAMTHUN, SORTWELL, TITTL and WICHGERS, cosponsored by Senators CRAIG, JACQUE, MARKLEIN, NASS and STROEBEL. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 302.113 (8m) (a), 302.114 (8m) (a), 304.06 (3) and 973.10 (2)
2 (intro.) of the statutes; **relating to:** recommendation to revoke parole,
3 probation, and extended supervision if a person is charged with a crime.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Corrections to recommend revoking a person's extended supervision, parole, or probation if the person is charged with a crime while on extended supervision, parole, or probation.

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.** 302.113 (8m) (a) of the statutes is amended to read:
5 302.113 (8m) (a) Every person released to extended supervision under this
6 section remains in the legal custody of the department. If the department alleges
7 that any condition or rule of extended supervision has been violated by the person,
8 the department may take physical custody of the person for the investigation of the

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1 alleged violation. If the person is charged with a crime, the department shall
2 recommend that the person's extended supervision be revoked.

3 **SECTION 2.** 302.114 (8m) (a) of the statutes is amended to read:

4 302.114 **(8m)** (a) Every person released to extended supervision under this
5 section remains in the legal custody of the department. If the department alleges
6 that any condition or rule of extended supervision has been violated by the person,
7 the department may take physical custody of the person for the investigation of the
8 alleged violation. If the person is charged with a crime, the department shall
9 recommend that the person's extended supervision be revoked.

10 **SECTION 3.** 304.06 (3) of the statutes is amended to read:

11 304.06 **(3)** Every paroled prisoner remains in the legal custody of the
12 department unless otherwise provided by the department. If the department alleges
13 that any condition or rule of parole has been violated by the prisoner, the department
14 may take physical custody of the prisoner for the investigation of the alleged
15 violation. If the department is satisfied that any condition or rule of parole has been
16 violated it shall afford the prisoner such administrative hearings as are required by
17 law. If the person is charged with a crime, the department shall recommend that the
18 person's parole be revoked. Unless waived by the parolee, the final administrative
19 hearing shall be held before a hearing examiner from the division of hearings and
20 appeals in the department of administration who is licensed to practice law in this
21 state. The hearing examiner shall enter an order revoking or not revoking parole.
22 Upon request by either party, the administrator of the division of hearings and
23 appeals shall review the order. The hearing examiner may order that a deposition
24 be taken by audiovisual means and allow the use of a recorded deposition under s.
25 967.04 (7) to (10). If the parolee waives the final administrative hearing, the

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1 secretary of corrections shall enter an order revoking or not revoking parole. If the
2 examiner, the administrator upon review, or the secretary in the case of a waiver
3 finds that the prisoner has violated the rules or conditions of parole, the examiner,
4 the administrator upon review, or the secretary in the case of a waiver, may order the
5 prisoner returned to prison to continue serving his or her sentence, or to continue on
6 parole. If the prisoner claims or appears to be indigent, the department shall refer
7 the prisoner to the authority for indigency determinations specified under s. 977.07
8 (1).

9 **SECTION 4.** 973.10 (2) (intro.) of the statutes is amended to read:

10 973.10 (2) (intro.) 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. If the person is charged with a
13 crime, the department shall recommend that the person's probation be revoked.

14 Unless waived by the probationer, a hearing examiner for the division shall conduct
15 an administrative hearing and enter an order either revoking or not revoking
16 probation. Upon request of either party, the administrator of the division shall
17 review the order. If the probationer waives the final administrative hearing, the
18 secretary of corrections shall enter an order either revoking or not revoking
19 probation. If probation is revoked, the department shall:

20 **SECTION 5. Initial applicability.**

21 (1) This act first applies to charges that are filed on the effective date of this
22 subsection.

23 (END)