



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1765/1
MJW:skw

2023 SENATE BILL 230

April 14, 2023 - Introduced by Senators BRADLEY, WANGGAARD, BALLWEG, HUTTON, MARKLEIN, NASS and TESTIN, cosponsored by Representatives MAXEY, RETTINGER, ALLEN, BEHNKE, BINSFELD, BRANDTJEN, DONOVAN, GREEN, GUNDRUM, MURPHY, MURSAU, PENTERMAN, ROZAR, TITTL, WICHGERS, DUCHOW, MICHALSKI and NEDWESKI. Referred to Committee on Judiciary and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 302.11 (5), 302.113 (6), 302.113 (9g) (cm), 302.113 (9g) (d),
2 302.113 (9g) (g) 2., 302.114 (5) (c), 302.114 (7), 304.06 (1) (eg), 304.06 (1) (g) and
3 304.063 (3); and **to create** 302.113 (9g) (cd), 302.114 (5) (bm) and 304.06 (2d)
4 of the statutes; **relating to:** requirements for releasing a prisoner to parole or
5 extended supervision.

Analysis by the Legislative Reference Bureau

This bill 1) changes a victim's statutory right to participate in a hearing before a prisoner is released from prison on parole or extended supervision, 2) changes the victim's statutory right to notice when that prisoner is released, 3) requires a prisoner to submit to a psychological evaluation before release on parole or discretionary release on extended supervision, and 4) specifies that a police chief or sheriff may disseminate information to the general public regarding a person who is convicted of certain offenses who is released from prison and will be residing in the police chief's or sheriff's jurisdiction.

Under current law, a prisoner is eligible for parole if he or she was sentenced for a crime committed before December 31, 1999, and if he or she 1) has served at least six months or 25 percent of his or her sentence, whichever is longer, or 2) for a life sentence, has served at least 20 years. Under bifurcated sentencing, if a person is given a sentence for a crime that was committed on or after December 31, 1999, release to extended supervision is generally not discretionary. However, for a life sentence with the possibility of release to extended supervision, the sentencing court

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must hold a hearing to determine whether to grant extended supervision on or after a predetermined eligibility date.

Current law requires the parole commission or the sentencing court to allow a victim to make a statement at a hearing to determine eligibility for release to parole or discretionary release to extended supervision on a life sentence. The bill requires the parole commission or the sentencing court to allow a victim to make an oral statement and to make use of visual aids.

Whenever a prisoner is released to parole or extended supervision, current law requires the Department of Corrections to make a reasonable attempt to notify any victims of the crime who request notice of the release. Under current law, DOC must send this notice at least seven days before a prisoner is released on parole or extended supervision. The bill requires this notice to be sent at least 30 days before a prisoner is released to parole or extended supervision.

The bill also requires a prisoner to submit to a psychological evaluation and requires the person conducting the evaluation to send a report to the authority considering releasing the prisoner to parole or extended supervision. Under the bill, that reviewing authority is required to consider the report when determining whether to release the individual to parole or extended supervision.

Current law requires DOC to send a notice to the municipal police department and the county sheriff for the area where a person who is released from prison will be residing. The bill specifies that a police chief or sheriff that receives notice that a prisoner will be residing in the police chief's or sheriff's jurisdiction after release to parole or extended supervision may release the information in the notice to members of the general public if, in the opinion of the police chief or sheriff, providing that information is necessary to protect the public.

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:

1 **SECTION 1.** 302.11 (5) of the statutes is amended to read:
2 302.11 (5) Before a person is released on parole under this section, the
3 department shall so notify the municipal police department and the county sheriff
4 for the area where the person will be residing. The notification requirement does not
5 apply if a municipal department or county sheriff submits to the department a
6 written statement waiving the right to be notified. If applicable, the department
7 shall also comply with s. 304.063. A municipal police department or county sheriff

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1 that receives notice under this subsection may disseminate the information in the
2 notice to members of the general public if, in the opinion of the police chief or sheriff,
3 providing that information is necessary to protect the public.

4 **SECTION 2.** 302.113 (6) of the statutes is amended to read:

5 302.113 (6) Before a person is released to extended supervision under this
6 section, the department shall notify the municipal police department and the county
7 sheriff for the area where the person will be residing. The notification requirement
8 does not apply if a municipal department or county sheriff submits to the department
9 a written statement waiving the right to be notified. If applicable, the department
10 shall also comply with s. 304.063. A municipal police department or county sheriff
11 that receives notice under this subsection may disseminate the information in the
12 notice to members of the general public if, in the opinion of the police chief or sheriff,
13 providing that information is necessary to protect the public.

14 **SECTION 3.** 302.113 (9g) (cd) of the statutes is created to read:

15 302.113 (9g) (cd) An inmate who submits a petition under par. (c) shall submit
16 to a psychological examination by a licensed physician, licensed psychologist, or
17 other mental health professional. The licensed physician, licensed psychologist, or
18 other mental health professional shall provide a report on the evaluation to the
19 program review committee.

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

21 302.113 (9g) (cm) If, after receiving the petition under par. (c) and after
22 reviewing the report under par. (cd), the program review committee determines that
23 the public interest would be served by a modification of the inmate's bifurcated
24 sentence in the manner provided under par. (f), the committee shall approve the
25 petition for referral to the sentencing court and notify the department of its approval.

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1 The department shall then refer the inmate's petition to the sentencing court and
2 request the court to conduct a hearing on the petition. If the program review
3 committee determines that the public interest would not be served by a modification
4 of the inmate's bifurcated sentence in the manner specified in par. (f), the committee
5 shall deny the inmate's petition.

6 **SECTION 5.** 302.113 (9g) (d) of the statutes is amended to read:

7 302.113 **(9g)** (d) When a court is notified by the department that it is referring
8 to the court an inmate's petition for modification of the inmate's bifurcated sentence,
9 the court shall schedule a hearing to determine whether the public interest would
10 be served by a modification of the inmate's bifurcated sentence in the manner
11 specified in par. (f). The inmate and the district attorney have the right to be present
12 at the hearing, and any victim of the inmate's crime has the right to be present at the
13 hearing and to provide ~~a~~ an oral statement concerning the modification of the
14 inmate's bifurcated sentence. The court shall allow any victim making a statement
15 under this paragraph to use visual aids. The court shall order such notice of the
16 hearing date as it considers adequate to be given to the department, the inmate, the
17 attorney representing the inmate, if applicable, and the district attorney. Victim
18 notification shall be provided as specified under par. (g).

19 **SECTION 6.** 302.113 (9g) (g) 2. of the statutes is amended to read:

20 302.113 **(9g)** (g) 2. When a court schedules a hearing under par. (d), the clerk
21 of the circuit court shall send a notice of hearing to the victim of the crime committed
22 by the inmate, if the victim has submitted a card under subd. 3. requesting
23 notification. The notice shall inform the victim that he or she may appear at the
24 hearing scheduled under par. (d) and shall inform the victim of the manner in which
25 he or she may provide ~~a~~ an oral statement concerning the modification of the

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1 inmate's bifurcated sentence in the manner provided in par. (f). The court shall allow
2 any victim making a statement under this subdivision to use visual aids. The clerk
3 of the circuit court shall make a reasonable attempt to send the notice of hearing to
4 the last-known address of the inmate's victim, postmarked at least 10 days before
5 the date of the hearing.

6 **SECTION 7.** 302.114 (5) (bm) of the statutes is created to read:

7 302.114 (5) (bm) An inmate who submits a petition under par. (a) shall submit
8 to a psychological examination by a licensed physician, licensed psychologist, or
9 other mental health professional. The licensed physician, licensed psychologist, or
10 other mental health professional shall provide a report on the evaluation to the court.
11 The court shall consider the report in determining whether to release the inmate to
12 extended supervision under this section.

13 **SECTION 8.** 302.114 (5) (c) of the statutes is amended to read:

14 302.114 (5) (c) Before deciding whether to grant or deny the inmate's petition,
15 the court shall allow a victim, as defined in s. 950.02 (4), to make ~~a~~ an oral statement
16 or submit a written statement concerning the release of the inmate to extended
17 supervision. The court may allow any other person to make or submit a statement
18 under this paragraph. Any statement under this paragraph must be relevant to the
19 release of the inmate to extended supervision and may include the use of visual aids.

20 **SECTION 9.** 302.114 (7) of the statutes is amended to read:

21 302.114 (7) Before a person is released to extended supervision under this
22 section, the department shall notify the municipal police department and the county
23 sheriff for the area where the person will be residing. The notification requirement
24 does not apply if a municipal department or county sheriff submits to the department
25 a written statement waiving the right to be notified. If applicable, the department

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1 shall also comply with s. 304.063. A municipal police department or county sheriff
2 that receives notice under this subsection may disseminate the information in the
3 notice to members of the general public if, in the opinion of the police chief or sheriff,
4 providing that information is necessary to protect the public.

5 **SECTION 10.** 304.06 (1) (eg) of the statutes is amended to read:

6 304.06 (1) (eg) The parole commission shall permit any person under par. (c)
7 3. to attend any interview or hearing on the application for parole of an applicable
8 inmate and to make ~~a~~ an oral statement at that interview or hearing. The parole
9 commission shall permit a person who is making a statement under this paragraph
10 to use visual aids.

11 **SECTION 11.** 304.06 (1) (g) of the statutes is amended to read:

12 304.06 (1) (g) Before a person is released on parole under this subsection, the
13 parole commission shall so notify the municipal police department and the county
14 sheriff for the area where the person will be residing. The notification requirement
15 under this paragraph does not apply if a municipal department or county sheriff
16 submits to the parole commission a written statement waiving the right to be
17 notified. If applicable, the department shall also comply with s. 304.063. A
18 municipal police department or county sheriff that receives notice under this
19 paragraph may disseminate the information in the notice to members of the general
20 public if, in the opinion of the police chief or sheriff, providing that information is
21 necessary to protect the public.

22 **SECTION 12.** 304.06 (2d) of the statutes is created to read:

23 304.06 (2d) No prisoner may be paroled under this section unless a licensed
24 physician, licensed psychologist, or other mental health professional performs a
25 psychological evaluation of the prisoner. The licensed physician, licensed

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1 psychologist, or other mental health professional shall provide a report on the
2 evaluation to the parole commission. The parole commission shall consider the
3 results of the psychological evaluation in determining whether to parole the
4 prisoner.

5 **SECTION 13.** 304.063 (3) of the statutes is amended to read:

6 304.063 (3) The department shall make a reasonable attempt to send the
7 notice, postmarked at least ~~7~~ 30 days before a prisoner is released on parole or
8 extended supervision, to the last-known address of the persons under sub. (2).

9 **SECTION 14. Initial applicability.**

10 (1) This act first applies to a person who is eligible for parole or release to
11 extended supervision on the effective date of this subsection.

12

(END)