



## 2023 SENATE BILL 48

February 14, 2023 - Introduced by Senators WANGGAARD, BRADLEY, JAMES, BALLWEG, CABRAL-GUEVARA, COWLES, JACQUE, MARKLEIN, NASS and STROEBEL, cosponsored by Representatives SPIROS, DUCHOW, SCHRAA, ALLEN, BRANDTJEN, DITTRICH, DONOVAN, EDMING, KNODL, MICHALSKI, MURPHY, O'CONNOR, RETTINGER, ROZAR, SCHUTT, STEFFEN and WICHGERS. Referred to Committee on Judiciary and Public Safety.

1     **AN ACT** *to amend* 19.85 (1) (a), 19.85 (1) (d), 304.06 (1) (d) 1., 304.06 (1) (d) 3g.  
2             and 304.06 (1) (eg); and *to create* 304.01 (3), (4) and (5) of the statutes; **relating**  
3             **to:** public access to actions by Parole Commission.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the Parole Commission is the authority for granting discretionary release to parole to a person who committed a felony before December 31, 1999. This bill changes the open meetings requirement for the Parole Commission, provides specific notice requirements for meetings of the Parole Commission, and requires information about parole decisions to be posted on the Department of Corrections Internet site.

#### ***Eliminating the exception to the open meetings law***

Current law requires that every meeting of a governmental body be held in a place reasonably accessible to members of the public and open to all citizens at all times. Current law provides exceptions to the open meetings requirement. One exception is for the consideration of specific applications of release to probation, extended supervision, or parole. The bill eliminates that exception so that the Parole Commission is subject to the open meetings requirement when considering specific applications for release.

#### ***Notice requirements***

Current law regulates public notice of all meetings of a governmental body. In addition to any requirements specific to a governmental body, the notice must be posted in at least three public places likely to give notice to affected persons, posted

**SENATE BILL 48**

in one such public place and on the governmental body's Internet site, or published in a news medium likely to give notice to affected persons. The bill requires that the Parole Commission provide notice of all meetings on the DOC Internet site.

***Posting requirements***

The bill requires DOC to post certain information about the actions of the Parole Commission on its Internet site for public access. Under the bill, DOC must post any guidance documents that the Parole Commission uses when making parole decisions. DOC must post individuals granted parole, denied parole, and returned to prison following the revocation of parole. DOC must also post monthly and annual totals of the number of persons granted parole, denied parole, and returned to prison following the revocation of parole. The annual totals must be presented by the crime for which the individual was convicted; the sex, race, and age of the individual; and the locality in which the individual was convicted.

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

1           **SECTION 1.** 19.85 (1) (a) of the statutes is amended to read:

2           19.85 (1) (a) Deliberating concerning a case which was the subject of any  
3 judicial or quasi-judicial trial or hearing before that governmental body. This  
4 paragraph does not authorize a closed session for considering specific applications  
5 of probation, extended supervision, or parole.

6           **SECTION 2.** 19.85 (1) (d) of the statutes is amended to read:

7           19.85 (1) (d) ~~Except as provided in s. 304.06 (1) (eg) and by rule promulgated~~  
8 ~~under s. 304.06 (1) (em), considering specific applications of probation, extended~~  
9 ~~supervision or parole, or considering~~ Considering strategy for crime detection or  
10 prevention.

11           **SECTION 3.** 304.01 (3), (4) and (5) of the statutes are created to read:

12           304.01 (3) The public notice required under s. 19.84 for meetings of the parole  
13 commission shall include the names of the individuals who are being considered for  
14 parole and shall be posted on the department's public Internet site.

**SENATE BILL 48**

1           (4) The department shall post on the department's public Internet site the  
2 individuals granted parole, denied parole, and returned to prison following the  
3 revocation of parole. The department shall post aggregate numbers that identify  
4 monthly totals and yearly totals. The yearly totals shall be presented by the crime  
5 for which the individual was convicted; the sex, race, and age of the individual; and  
6 the locality in which the individual was convicted.

7           (5) Any guidance documents that the parole commission uses to guide parole  
8 decisions shall be posted on the department's public Internet site.

9           **SECTION 4.** 304.06 (1) (d) 1. of the statutes is amended to read:

10           304.06 (1) (d) 1. The notice under par. (c) shall inform the offices and persons  
11 under par. (c) 1. to 3. of the manner in which they may provide written statements  
12 under this subsection, shall inform persons under par. (c) 3. ~~of the manner in which~~  
13 that they may attend interviews or hearings and make statements under par. (eg)  
14 and shall inform persons under par. (c) 3. who are victims, or family members of  
15 victims, of crimes specified in s. 940.01, 940.03, 940.05, 940.225 (1), (2), or (3), 948.02  
16 (1) or (2), 948.025, 948.06, or 948.07 of the manner in which they may have direct  
17 input in the parole decision-making process under par. (em). The parole commission  
18 shall provide notice under this paragraph for an inmate's first application for parole  
19 and, upon request, for subsequent applications for parole.

20           **SECTION 5.** 304.06 (1) (d) 3g. of the statutes is amended to read:

21           304.06 (1) (d) 3g. If applicable, the notice shall state the date of the interview  
22 or hearing that is the person may attend subject of the notice.

23           **SECTION 6.** 304.06 (1) (eg) of the statutes is amended to read:

