



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 31, 2011

Joint Committee on Finance

Paper #265

Repeal and Modification of 2009 Act 28 Sentencing Modifications (Corrections -- Sentencing Modifications)

[LFB 2011-13 Budget Summary: Page 149, #1]

CURRENT LAW

The following sentencing modifications were enacted in 2009 Act 28, which became effective on October 1, 2009:

a. *Positive Adjustment Time.* The Act 28 provision allows certain inmates to earn earlier release from prison by not violating any regulation of the prison and not refusing or neglecting to perform required or assigned duties. Individuals eligible for positive adjustment time are generally divided into three categories: (a) offenders convicted of non-violent Class F to I felonies who are not determined by the Department of Corrections to be high-risk of reoffending after applying an objective risk assessment instrument supported by research; (b) offenders convicted of violent Class F to I felonies, or determined to be high-risk of reoffending; and (c) offenders convicted of Class C to E felonies. Individuals who are sentenced for certain offenses are excluded from positive adjustment time, including all sex offenses requiring registration with the sex offender registry. Attachment 1 includes a list of all Class B to I felonies and identifies which offenses are ineligible for positive adjustment time under Act 28. In addition, Attachment 2 includes a list of the Class F to I felonies defined as "violent offenses" under s. 301.048(2)(bm)1.a.

How an inmate's sentence is adjusted for positive adjustment time depends on the category of offender. Offenders convicted of non-violent Class F to I felonies not considered high-risk may earn one day of positive adjustment time for every two days served without violation of prison regulation or refusal or neglect to perform required or assigned duties. Offenders convicted of violent Class F to I felonies or non-violent Class F to I felonies considered high-risk may earn one day of positive adjustment time for every three days served. Finally, offenders convicted of Class C to E felonies may earn one day of positive adjustment time for every 5.7 days served.

When the first category of offender (non-violent Class F to I felonies not considered high-risk) is within 90 days of release to extended supervision, the Department must notify the sentencing court that it intends to modify the inmate's sentence and release the inmate to extended supervision. If the court decides to hold a review hearing, the court must schedule the hearing within 30 days after notification. The court must hold the hearing and issue an order relating to the inmate's sentence modification within 60 days of notification. At the hearing, the court may consider the inmate's conduct in prison, his or her level of risk of reoffending based on a verified, objective instrument, and the nature of the offense committed by the inmate. The court may accept the Department's determination that the inmate has earned positive adjustment time, or order the inmate to remain in prison for a period of time that does not exceed the time remaining on the inmate's term of confinement. If the court does not schedule a hearing, or if the court accepts the Department's determination at the hearing, the Department must release the inmate to extended supervision.

For the other categories of offenders (violent Class F to I felonies, non-violent Class F to I felonies considered high-risk, or Class C to E felonies), offenders may petition the Earned Release Review Commission (the renamed Parole Commission) for release to extended supervision when he or she has served the term of confinement in prison portion of his or her bifurcated sentence, less positive adjustment time earned. The Earned Release Review Commission (ERRC) may consider any of the following as grounds for a petition for release to extended supervision: (a) the inmate's conduct, efforts at and progress in rehabilitation, or participation and progress in education, treatment, or other correctional programs since he or she was sentenced; (b) the inmate is subject to a sentence of confinement in another state or the inmate is in the United States illegally and may be deported; or (c) sentence adjustment is otherwise in the interests of justice.

When the offender is within 90 days of release to extended supervision, the ERRC must notify the sentencing court that it intends to modify the inmate's sentence and release the inmate to extended supervision. If the court decides to hold a review hearing, the court must schedule the hearing within 30 days after notification. The court must hold the hearing and issue an order relating to the inmate's sentence modification within 60 days of notification. At the hearing, the court may consider the inmate's conduct in prison, his or her level of risk of reoffending based on a verified, objective instrument, and the nature of the offense committed by the inmate. The court may accept the ERRC's determination that the inmate has earned positive adjustment time, or order the inmate in prison for a period of time that does not exceed the time remaining on the inmate's term of confinement. If the court does not schedule a hearing, or if the court accepts the ERRC's determination at the hearing, the ERRC must release the inmate to extended supervision.

When inmates are released to extended supervision based on positive adjustment time, the term of extended supervision is increased so that the total length of the bifurcated sentence does not change. The positive adjustment time provision applies to individuals sentenced on December 31, 1999.

b. *Risk Reduction.* Act 28 created the risk reduction program which allows the court to order a person to serve a risk reduction sentence if: (a) the court determines that a risk reduction sentence is appropriate; and (b) the person agrees to cooperate in an assessment of his

or her criminogenic factors and risk of reoffending, and to participate in programming or treatment the Department develops for the person. The risk reduction sentence is not a separate sentence imposed by the court, but rather a court-determined means to identify offenders at sentencing who, if successfully complete programming or treatment, may have their bifurcated sentence reduced.

Under the risk reduction program, the Department must: (a) provide programming and treatment for inmates sentenced to risk reduction; (b) conduct a validated and objective assessment of the inmate's criminogenic factors and risk of reoffending; and (c) develop a program plan for the inmate that is designed to reduce the risk and address the factors identified. Under the provision, the Department may modify the inmate's program plan. If the Department determines that the inmate has completed the programming or treatment under the plan and that the inmate maintained a good conduct record during confinement, the Department must release the inmate to extended supervision when he or she has served not less than 75% of the term of confinement. Not less than 30 days prior to release, the Department must notify the sentencing court that the inmate has thus far successfully completed the requirements of his or her risk reduction sentence. If the inmate is released early after successfully completing the risk reduction program, his or her overall sentence is reduced. The reduction of the total sentence length as a result of the application of risk reduction is unlike positive adjustment time, where the term of extended supervision is increased so the overall sentence length does not change.

Attachment 1 identifies offenses which are ineligible for risk reduction. Unlike positive adjustment time, inmates convicted of Class B felonies are eligible for the risk reduction program. The risk reduction provision applies to sentences imposed by the court on or after October 1, 2009.

c. *Certain Early Releases.* Under law in existence prior to Act 28, an inmate serving a bifurcated sentence, other than for a Class B felony, could petition the sentencing court to adjust his or her sentence if the inmate served at least 75% of a Class F to I felony, or 85% of a Class C to E felony ("75%-85% bifurcated sentence modification provision"). Act 28 provided that the 75%-85% bifurcated sentence modification provision only applies to inmates serving bifurcated sentences imposed before October 1, 2009.

Under Act 28, inmates serving eligible bifurcated sentences convicted on or after October 1, 2009 were provided a new option for earlier release. Under the new option, the Department may release inmates to extended supervision if all the following conditions are met: (a) the inmate is serving time for a non-violent Class F to I felony; (b) the prison social worker or extended supervision agent of record has reason to believe that the person will be able to maintain himself or herself while not confined without engaging in assaultive activity; and (c) the release to extended supervision date is not more than 12 months before the person's extended supervision eligibility date. If an inmate is released early, his or her term of extended supervision is increased so the overall length of sentence does not change. Attachment 1 identifies the offenses ineligible for the modifying bifurcated sentences option.

Inmates serving bifurcated sentences imposed prior to October 1, 2009, who meet the criteria for the new certain early releases provision, may choose to modify their sentences under

either the existing 75%-85% bifurcated sentencing provision or the new certain early releases modification. Act 28 further provided that inmates serving bifurcated sentences imposed prior to October 1, 2009, may petition the Earned Release Review Commission (instead of the sentencing court) for release under the 75%-85% bifurcated sentencing provision, if they have not previously petitioned the sentencing court for release under the provision.

d. *Earned Release and Challenge Incarceration Programs.* Prior to Act 28, the Department operated the earned release program for eligible inmates at the Drug Abuse Correctional Center, the Robert E. Ellsworth Correctional Center, the Chippewa Valley Treatment Facility, and the Racine Correctional Institution. Inmates who successfully completed the substance abuse treatment program for earned release could be released to parole or extended supervision. The challenge incarceration program ("boot camp") operates at the Black River Correctional Center and the St. Croix Correctional Center. The program originally provided eligible inmates with manual labor, personal development counseling, substance abuse treatment and education, military drill and ceremony and counseling.

Act 28 expanded the earned release program from a substance abuse treatment program to a "rehabilitation" program, and the challenge incarceration program to include not just inmates with substance abuse treatment needs, but also inmates with one or more treatment needs not related to substance use that is directly related to his or her criminal behavior. The challenge incarceration program must provide, according to each participant's assessed needs, substance abuse treatment and education, including intensive intervention when indicated, personal development counseling, education, employment readiness training, and other treatment options that are directly related to the participant's criminal behavior.

e. *Earned Release Review Commission.* Act 28 renamed the Parole Commission the Earned Release Review Commission (ERRC) and expanded the Commission's duties. Under law in existence prior to Act 28, the Parole Commission had authority to grant discretionary parole to inmates serving an indeterminate sentence (the felony sentencing system prior to December 31, 1999). Act 28 expanded the Commission's authority to consider petitions to adjust offenders' sentences under positive adjustment time provisions for higher risk offenders and certain older or ill inmates.

f. *Extended Supervision Discharge.* Act 28 authorized the Department to discharge a person from extended supervision after he or she has served two years of extended supervision, if the person has met the conditions of extended supervision and the reduction is in the interests of justice. The Department must notify any victim(s) of the offender of its intent to discharge the person from extended supervision. The Department may promulgate rules establishing guidelines and criteria for the exercise of discretion for discharge. Attachment 1 identifies which offenses are ineligible for extended supervision discharge. Unlike positive adjustment time, inmates convicted of Class B felonies are eligible for discharge from extended supervision.

g. *Discharge from Probation.* Act 28 authorized the Department to modify a person's period of probation and discharge the person from probation if the person has completed 50% of his or her period of probation.

h. *Elderly Inmates/Extraordinary Health Conditions.* Act 28 modified previous law

related to bifurcated sentences for older inmates and inmates who have terminal conditions. Under the law prior to Act 28, an inmate serving a bifurcated sentence for a crime, other than a Class B felony, could seek to modify his or her sentence if the inmate: (a) was 65 years of age or older and served at least five years of the term of confinement; (b) was 60 years of age or older and served at least 10 years of the term of confinement; or (c) had a terminal condition. The inmate could petition the institution's program review committee for modification. The program review committee could deny the petition or approve and refer it to the sentencing court. If the sentencing court approved the petition and the inmate was released early, the term of extended supervision was increased so that the total length of the bifurcated sentence did not change.

Act 28 modified the law to allow inmates serving life sentences or Class B felonies to be eligible for release under these provisions. Further, the provision related to inmates with terminal conditions was replaced with "extraordinary health conditions." Extraordinary health condition is defined as a condition afflicting a person, such as advanced age, infirmity, or disability of the person or a need for medical treatment or services not available within a correctional institution. In addition, inmates who meet the age and/or health criteria now petition the ERRC for sentence modification, rather than the program review committee. The ERRC, rather than the sentencing court, may modify the inmate's sentence. If the inmate is released early, the term of extended supervision is increased so that the total length of the bifurcated sentence does not change. The statutory changes apply to petitions filed on or after October 1, 2009.

i. *Revocation of Extended Supervision.* Under law in existence prior to Act 28, if a person released to extended supervision violated a condition of extended supervision, the reviewing authority (the Department of Administration's Division of Hearings and Appeals or Corrections) could revoke the person's extended supervision. If revoked, the person would be returned to the sentencing court, where the court must order the person to be returned to prison for any specified period of time that does not exceed the time remaining on the bifurcated sentence. Act 28 provided that, if a person's extended supervision is revoked as a result of a violation of his or her supervision, the reviewing authority, rather than the court, will order the person to return to prison for any specified period of time that does not exceed the time remaining on the sentence.

GOVERNOR

Modify the sentencing provisions enacted in 2009 Act 28 as indicated below. Specify that the bill provisions first apply to persons sentenced on December 31, 1999, except for the positive adjustment time provisions, which would not apply to the positive adjustment time earned by persons who were sentenced on or after October 1, 2009, but before the effective of the bill (inmates who had earned positive adjustment time during that period could still be released by petitioning the sentencing court).

a. *Positive Adjustment Time.* Repeal provision. Under the bill, inmates who have already earned positive adjustment time would be allowed to petition the sentencing court to adjust the sentence if Corrections determines that the inmate has served the confinement portion of his or her sentence, less positive adjustment time earned. Within 60 days of receipt of the

petition, the sentencing court could either deny the petition or hold a hearing and issue an order related to the inmate's petition. At the hearing, the court may consider: (a) the inmate's conduct in prison; (b) the inmate's level of risk of reoffending, based on a verified, objective instrument; (c) and the nature of the offense committed. If the court determines that the inmate earned positive adjustment time, the court may reduce the term of confinement in prison, less up to 30 days, and must lengthen the term of extended supervision, so the overall sentence length does not change.

b. *Risk Reduction.* Repeal provision.

c. *Certain Early Releases.* Repeal provision. Under law in existence prior to Act 28, an inmate serving a bifurcated sentence, other than for a Class B felony, could petition the sentencing court adjust his or her sentence if the inmate has served at least 75% of a Class F to I felony, or 85% of a Class C to E felony ("75%-85% bifurcated sentence modification provision"). Act 28 provided that the 75%-85% bifurcated sentence modification provision only applies to inmates serving bifurcated sentences imposed before October 1, 2009, and that inmates could petition ERRC if they had not previously petitioned the sentencing court. Under the bill, the "before October 1, 2009" language would be deleted, restoring the law for inmates with sentences imposed on or after October 1, 2009, and inmates could only petition the sentencing court, and not the ERRC. Further, the bill would provide that current inmates who petition for release under the positive adjustment time provisions may not petition for release under the 75%-85% bifurcated sentence modification provision.

d. *Earned Release and Challenge Incarceration Programs.* Repeal the expansions of the programs to rehabilitation programs, and return the programs to treating eligible inmates with substance abuse treatment needs.

e. *Earned Release Review Commission.* Delete the expanded authority provided to the Commission under Act 28 and revert the Commission's name back to the Parole Commission.

f. *Extended Supervision Discharge.* Repeal provision.

g. *Discharge from Probation.* Repeal provision.

h. *Elderly Inmates/Extraordinary Health Conditions.* Repeal provision and restore prior law, except retain "extraordinary health conditions" language, as opposed to "terminal conditions" provided under prior law.

i. *Revocation of Extended Supervision.* This provision is not affected by the bill.

DISCUSSION POINTS

1. The bill would repeal the following provisions related to the sentencing modifications enacted in 2009 Act 28: (a) positive adjustment time; (b) certain early releases; (c) risk reduction sentence; (d) expansions to the earned release and challenge incarceration programs; (e) the Earned Release Review Commission; (f) extended supervision discharge; and (g) discharge from probation. In addition, the bill would repeal the changes to a provision related to elderly

inmates and extraordinary health conditions, except retain the language related to extraordinary health conditions. Finally, the bill would retain the modification related to revocation of extended supervision.

2. It should be noted that separate legislation was introduced, 2011 Senate Bill 57 and 2011 Assembly Bill 86, with identical provisions to the bill. Senate Bill 57 passed the Senate on May 11, 2011, by a vote of 22-11, and on May 17, 2011, was ordered to a third reading in the Assembly.

3. In February, 2009, the Governor introduced his 2009-11 budget recommendations, which included a number of sentencing modification provisions. Separately, in January, 2009, the Legislative Council created a Special Committee on Justice Reinvestment Initiative Oversight (Justice Reinvestment Committee) after the Governor, the Supreme Court's Chief Justice, the Senate President, and the Assembly Speaker requested technical assistance from the Council of State Governments (CSG) Justice Center to look at Wisconsin's criminal justice trends and develop policy options to avert spending on Corrections and reinvest in strategies to increase public safety. The Justice Reinvestment Committee served as the entity to which the CSG Justice Center reported. The Justice Reinvestment Committee met several times to review and discuss the analysis provided by the CSG Justice Center.

4. Since the CSG Justice Center and Justice Reinvestment Committee's work was independent of the 2009-11 budget process, the CSG recommendations were not related to the Governor's proposed sentencing modifications in the budget. During budget deliberations, the Joint Committee on Finance incorporated several of the CSG recommendations into the budget (with some modifications). As the budget bill proceeded through the Finance Committee, the Assembly, the Senate, and the Conference Committee, amendments and modifications were made to various sentencing modifications. The resulting enacted sentencing modifications, summarized at the beginning of this paper, generally retained the Justice Reinvestment Committee's recommendation for a risk reduction sentence provision.

5. Questions have been raised regarding any cost savings as a result of the sentencing modification provisions. Other than the prison population reduction estimates related to the earned release and challenge incarceration programs (approximately -377 inmates), specific reductions could not be identified for the various provisions. At the time, the Department indicated there was "no way to determine the actual number of inmates who would have their sentences modified for release to supervision. Each inmate whose initial data screen appears to make them eligible for a sentence modification would have a risk assessment and a case history review completed, which is used in the final determination of whether or not a sentence modification could be approved. It is expected that during these two additional processes that there will be inmates who are determined to not be suitable for sentence modification."

6. While the Department could not identify specific savings associated with the sentencing modifications, it should be noted that a separate provision in the 2009-11 bill deleted \$30 million GPR over the biennium as a "budget efficiency." While the deleted funding was not specifically associated with the sentencing modifications, the Department had indicated the sentencing modifications were part of a variety of initiatives that would allow Corrections to

perform its mission with the scope of available resources. It should be noted, however, 2011 Act 13, the 2010-11 budget adjustment bill, which passed on April 6, 2011, included \$19.5 million GPR in funding and \$8.4 million GPR in transfers associated with a \$27.9 million deficit in the Departments' adult general programs operations and community corrections appropriations for 2010-11.

7. Data from the Department indicates that 526 individuals have been released since October 1, 2009, under the various sentencing modifications, with an average of approximately 100 days saved per inmate. The below table identifies the releases by provision type.

**2009 Act 28 Prison Releases
October 1, 2009 - April 26, 2011**

Positive Adjustment Time	72
Risk Reduction Sentence	0
Certain Earned Releases	54
75%-85% Bifurcated Sentence Modification	396
Elderly Inmates/Extraordinary Health Conditions	<u>4</u>
Total	526

8. The majority of the releases have occurred under the 75%-85% bifurcated sentence modification provision, which existed prior to the Act 28 modifications, although expanded to authorize the ERRC to release inmates. This provision would be retained under the bill, reverting back to the original version, authorizing only the sentencing court to release inmates. Regarding the risk reduction sentence, the Department indicates that 1,400 inmates have been sentenced by the court to a risk reduction sentence. While no inmate has yet been released under the risk reduction provision, the Department would continue to implement programming and treatment for those inmates sentenced under risk reduction after the provision is repealed.

9. In response to questions at the March 30, 2011 agency budget hearing, the Department of Corrections Secretary indicated that the Department had administratively suspended implementing the sentencing modifications. Further, the Secretary stated that any savings associated with the sentencing modifications were "negligible" and that any "dollar amounts assigned to population reduction were probably unrealistic." The Secretary further stated that unless a prison, or a unit of a prison, can be closed, significant savings will not result by releasing individuals throughout the system.

10. Similar to the prior budget, the Department is currently unable to identify specific costs or savings associated with repealing the sentencing provisions. [A separate provision in the bill would delete \$52.7 million over the biennium associated with a projected decline in the adult prison population. This provision is discussed in budget paper #255.] The Department did, however, recently submit a fiscal note for Senate Bill 57/Assembly Bill 86, which would also repeal the sentencing modifications. According to the fiscal note:

"The average FY10 annualized cost to incarcerate an inmate was \$32,100. Releasing an inmate early does not result in avoidance of that total cost, unless there are sufficient

numbers of inmates removed from an institution which results in closure of part or all of the institution. Since the releases occurred throughout the correctional system and not at just one institution, DOC did not have enough of a decrease in population to warrant closure of housing units. Therefore, any cost avoidance would have been the result of less expenditures on variable costs (defined as food, clothing, health care and other incidentals).

Annualized variable costs in FY10 were approximately \$5,100 per inmate. . . However, any inmates released under the sentencing changes who returned to an institution due to a new sentence and/or revocation would offset any expected cost avoidance. Any cost avoidance experienced from these releases likely reduced the Department's operating deficit for those years. . . Given these uncertainties the Department is not able to fully determine the fiscal impact of these legislation."

11. In his statements to the Committee regarding repealing the Act 28 sentencing modifications, the Secretary stated: "By restoring Truth in Sentencing the budget puts public safety first and moves the decision to release an offender from a third-party back to the sentencing court -- where it belongs." Depending on the Act 28 provision, an inmate can be released by either the Department (some positive adjustment time and certain earned releases), the Earned Release Review Committee (positive adjustment time, and elderly inmates/extraordinary health conditions), or the sentencing court (risk reduction sentence).

12. If the policy concern regarding the sentencing modifications is that the authority to release inmates early should rest solely with the sentencing court, not the Department or the Earned Release Review Committee, the Committee may wish to consider retaining the risk reduction sentence provision. Under this alternative, the provisions authorizing the Department or ERRC to release offenders early would be still be repealed, but the option for the courts to sentence an inmate to a risk reduction sentence would remain. [Alternative 2]

13. Alternatively, while the positive adjustment time provisions allow the Department or ERRC to determine whether or not an inmate should be released, the provisions still require Corrections or ERRC to notify the sentencing court of the determination. Since the sentencing court reviews the determination and has the discretion to set a hearing and deny the release, it could be argued that the positive adjustment time provisions should be also retained. [Alternative 3]

14. Finally, the Committee may wish to delete the provision entirely from the budget bill. Separate legislation repealing the sentencing modifications has been introduced (SB57/AB86). Senate Bill 57 has been passed by the Senate and is awaiting third reading in the Assembly. It is likely that the bill will be passed and signed into law prior to enactment of the budget bill.

ALTERNATIVES

1. Approve the Governor's recommendation to repeal the following provisions related to the sentencing modifications enacted in 2009 Act 28: (a) positive adjustment time; (b) certain early releases; (c) risk reduction sentence; (d) expansions to the earned release and challenge incarceration programs; (e) the Earned Release Review Commission; (f) extended supervision discharge; and (g) discharge from probation. In addition, the bill would repeal the changes to provision related to elderly inmates and extraordinary health conditions, except retain the language

related to extraordinary health conditions. Finally, the bill would retain the sentencing modification related to revocation of extended supervision.

2. Approve the Governor's recommendation related to the Act 28 sentencing modifications, except retain the risk reduction sentence provision.

3. Approve the Governor's recommendations related to the Act 28 sentencing modifications, except retain the risk reduction sentence and positive adjustment time provisions.

4. Delete provision.

Prepared by: Chris Carmichael
Attachments

ATTACHMENT 1

Classified Felony Offenses (On or After February 1, 2003) Identifying Offenses Ineligible for Act 28 Sentence Modifications

Class B Felonies		Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1.	Conspiracy to commit a crime for which the penalty is life imprisonment [939.31]	X		X	
2.	Attempt to commit a crime for which the penalty is life imprisonment [939.32]	X		X	
3.	First-degree reckless homicide [940.02]	X		X	
4.	Second-degree intentional homicide [940.05]	X		X	
5.	First-degree sexual assault [940.225(1)]	X		X	
6.	Taking hostages, unless each hostage is released without bodily harm before the hostage taker's arrest [940.305]	X		X	
7.	Kidnapping with intent to cause another to transfer property to obtain the release of the victim, where the victim is not released without permanent physical injury prior to the time the first witness is sworn at trial [940.31]	X		X	
8.	Absconding after being adjudicated delinquent for a Class B felony [946.50(2)]	X		X	
9.	Sexual intercourse with a person under 12 [948.02(1)(b)]	X		X	
10.	Sexual intercourse with a person under 16 by use or threat of force or violence [948.02(1)(c)]	X		X	
11.	Sexual contact with a person under 16 by use or threat of force or violence, if the actor is at least 18 when the sexual contact occurs [948.02(1)(d)]	X		X	
12.	Sexual contact with a person under 13 [948.02(1)(e)]	X		X	
13.	Engaging in at least three violations of one of the following: (a) sexual contact or intercourse with a person under 13 years, if resulted in great bodily harm; (b) sexual intercourse with a person under 12; (c) sexual intercourse with a person under 16 by use or threat of force or violence; or (d) sexual contact with a person under 16 by use or threat of force or violence, if the actor is at least 18 when the sexual contact occurs, if fewer than three of the violations were of (a) [948.025(1)(b),(c), or (d)]	X		X	

Class C Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1. First-degree reckless homicide, where drugs are provided or administered ("Len Bias" Law) [940.02]			X	
2. Homicide by intoxicated use of a vehicle, one or more previous convictions, suspension or revocation relating to certain operating under the influence offenses [940.09(1c)(b)]			X	
3. Mayhem [940.21]			X	
4. Second-degree sexual assault [940.225(2)]	X		X	
5. Abuse of vulnerable adults under circumstances that cause death by intentional or reckless maltreatment, except for employees of certain institutions, facilities and programs [940.285(2)(b)1g]	X	X	X	X
6. Abuse or neglect by employees of certain institutions, facilities or programs of persons at risk under circumstances that cause death by intentional or reckless abuse or neglect [940.295(3)(b)1g]	X	X	X	X
7. Taking hostages when, before the time of the hostage taker's arrest, each person who is held as a hostage is released without bodily harm [940.305]			X	
8. Kidnapping [940.31]	X	X	X	X
9. Causing death to another by tampering with household products [941.327]			X	
10. Arson of a building; damage of property by explosives [943.02]			X	
10a. Arson of a building; damage of property by explosives [943.02] (if "felony murder")	X	X	X	X
11. Carjacking [943.23(1g)]			X	
11a. Carjacking [943.23(1g)] (if "felony murder")	X	X	X	X
12. Armed robbery [943.32(2)]			X	
12a. Armed robbery [943.32(2)] (if "felony murder")	X	X	X	X
13. Robbery of a financial institution [943.87]			X	
14. Absconding after being adjudicated delinquent for a Class C felony [946.50(3)]			X	
15. Second-degree sexual assault of a child [948.02(2)]	X		X	
16. Engaging in repeated acts of first- or second-degree sexual assault of a child, if fewer than three violations involved first-degree sexual assault. [948.025(1)(e)]	X		X	
17. Physical abuse of a child (intentionally causing great bodily harm) [948.03(2)(a)]	X	X	X	X

Class C Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
18. Sexual exploitation of a child [948.05(2p)(b)]	X		X	
19. Trafficking a child [948.051(1)]	X		X	
20. Trafficking a child (benefiting in any manner from a violation) [948.051(2)]	X		X	
21. Using a computer to facilitate a child sex crime [948.075]	X		X	
22. Sexual assault of a child placed in substitute care [948.085]	X		X	
23. Incest with a child [948.06]	X		X	
24. Abduction of another's child by force or threat of force [948.30(2)]	X		X	
25. Manufacture, distribution or delivery of cocaine or cocaine base, more than 40 grams [961.41(1)(cm)4.]			X	
26. Manufacture, distribution or delivery of heroin, more than 50 grams [961.41(1)(d)4.]			X	
27. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, more than 50 grams [961.41(1)(e)4.]			X	
28. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, more than 50 grams [961.41(1)(hm)4.]			X	
29. Manufacture, distribution or delivery of flunitrozepam more than 50 grams [961.41(1)(im)4.]			X	
30. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 40 grams [961.41(1m)(cm)4.]			X	
31. Possession with intent to manufacture, distribute or deliver heroin, more than 50 grams [961.41(1m)(d)4.]			X	
32. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, more than 50 grams [961.41(1m)(e)4.]			X	
33. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, more than 50 grams [961.41(1m)(hm)4.]			X	
34. Possession with intent to manufacture, distribute or delivery of flunitrazepam more than 50 grams [961.41(1m)(im)4.]			X	

Class D Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1. Striking a person or attended or occupied vehicle and not remaining at the scene if the accident involves death [346.74(5)(d)]			X	
2. Second-degree reckless homicide [940.06]	X	X	X	X
3. Homicide by intoxicated use of a vehicle [940.09(1c)(a)]			X	
4. Homicide by intoxicated use of a firearm [940.09(1g)]			X	
5. Aggravated battery (causing great bodily harm to another by an act done with intent to cause great bodily harm) [940.19(5)]			X	
5a. Aggravated battery (causing great bodily harm to another by an act done with intent to cause great bodily harm) [940.19(5)] (if "felony murder")	X	X	X	X
6. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause great bodily harm) [940.195(5)]			X	
6a. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause great bodily harm) [940.195(5)] (if "felony murder")	X	X	X	X
7. First-degree reckless injury [940.23(1)]			X	
8. Abuse of vulnerable adults under circumstances that cause death by negligent maltreatment, except for employees of certain institutions, facilities and programs [940.285(2)(b)(1g)]	X	X	X	X
9. Abuse or neglect by employees of certain institutions, facilities or programs of persons at risk under circumstances that cause death by negligent abuse or neglect [940.295(3)(b)g]	X	X	X	X
10. Human trafficking (knowingly engaging in) [940.302(2)(a)]	X	X	X	X
11. Human trafficking (benefiting in any manner from a violation) [940.302(2)(b)]	X	X	X	X
12. Possession of body armor, second or subsequent violation [941.291(3)(b)]			X	
13. Theft of farm raised fish (second or subsequent violation) [943.74]			X	
14. Absconding after being adjudicated delinquent for a Class D felony [946.50(4)]			X	
15. Child enticement [948.07]	X		X	

Class D Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
16. Soliciting a child for prostitution [948.08]	X		X	
17. Possession of child pornography [948.12(3)(a)]	X		X	
18. Neglect of a child resulting in death [948.21(d)]			X	
19. Contributing to the delinquency of a child if death is a consequence [948.40(4)(a)]	X	X	X	X
20. Manufacture, distribution or delivery of cocaine or cocaine base, more than 15 grams, but not more than 40 grams [961.41(1)(cm)3.]			X	
21. Manufacture, distribution or delivery of heroin, more than 10 grams but not more than 50 grams [961.41(1)(d)3.]			X	
22. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, more than 10 grams but not more than 50 grams [961.41(1)(e)3.]			X	
23. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, more than 10 grams but not more than 50 grams [961.41(1)(hm)3.]			X	
24. Manufacture, distribution or delivery of flunitrazepam more than 10 grams but not more than 50 grams [961.41(1)(im)3.]			X	
25. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 15 grams but not more than 40 grams [961.41(1m)(cm)3.]			X	
26. Possession with intent to manufacture, distribute or deliver heroin, more than 10 grams but not more than 50 grams [961.41(1m)(d)3.]			X	
27. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, more than 10 grams but not more than 50 grams [961.41(1m)(e)3.]			X	
28. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, more than 10 grams but not more than 50 grams [961.41(1m)(hm)3.]			X	
29. Possession with intent to manufacture, distribute or delivery of flunitrazepam more than 10 grams but not more than 50 grams [961.41(1m)(im)3.]			X	

Class E Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1. Obtaining, selling, or soliciting more than 10 telephone records that pertain to another person without the person's consent [100.525(3)(c)]			X	
2. Sale or disposal of denatured alcohol resulting in death [125.68(12)(c)]			X	
3. Fleeing an officer resulting in death [346.17(3)(d)]			X	
4. Striking a person or attended or occupied vehicle and not remaining at the scene if the accident involves injury to a person and the person suffers great bodily harm [346.74(5)(c)]			X	
5. Abortion ("feticide") of an unborn quick child by a person other than the pregnant woman; causing the death of the mother by an act done to destroy her unborn child [940.04(2)]			X	
6. Abuse of a patient or resident under circumstances that cause great bodily harm to the person [940.295(3)(b)1m]			X	
6a. Abuse of a patient or resident under circumstances that cause great bodily harm to the person [940.295(3)(b)1m] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
7. Possession of body armor [941.291(3)(a)]			X	
8. Contributing to the death of another by obstructing emergency or rescue personnel [941.37(4)]			X	
9. Aggravated burglary [943.10(2)]			X	
9a. Aggravated burglary [943.10(2)] (if "felony murder")	X	X	X	X
10. Robbery [943.32(1)]			X	
11. Transferring encumbered property, if the value of the property exceeds \$100,000 [943.84 & 943.91(5)]			X	
12. Supervising, organizing, financing, or managing three or more financial crimes within an 18-month period [943.88]			X	
13. Absconding after being adjudicated delinquent for a Class E felony [946.50(5)]			X	
14. Engaging in racketeering activity [946.84]			X	
15. Engaging in a continuing criminal enterprise [946.85(1)]			X	
16. Abduction of another's child [948.30(1)]	X		X	
17. Manufacture, distribution or delivery of a narcotic included in schedule I or II [961.41(1)(a)]			X	

Class E Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
18. Manufacture, distribution or delivery of cocaine or cocaine base, more than 5 grams, but not more than 15 grams [961.41(1)(cm)2.]			X	
19. Manufacture, distribution or delivery of heroin, more than 3 grams but not more than 10 grams [961.41(1)(d)2.]			X	
20. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, more than three grams but not more than 10 grams [961.41(1)(e)2.]			X	
21. Manufacture, distribution or delivery of lysergic acid diethylamide, more than 5 grams [961.41(1)(f)3.]			X	
22. Manufacture, distribution or delivery of psilocin or psilocylin, more than 500 grams [961.41(1)(g)3.]			X	
23. Manufacture, distribution or delivery of THC more than 10,000 grams or more than 200 plants containing THC [961.41(1)(h)5.]			X	
24. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, more than three grams but less than 10 grams [961.41(1)(hm)2.]			X	
25. Manufacture, distribution or delivery of flunitrazepam more than three grams but not more than 10 grams [961.41(1)(im)2.]			X	
26. Possession with intent to manufacture, distribute or deliver of a narcotic included in schedule I or II [961.41(1m)(a)]			X	
27. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 5 grams but not more than 15 grams [961.41(1m)(cm)2.]			X	
28. Possession with intent to manufacture, distribute or deliver heroin, more than 3 grams but not more than 10 grams [961.41(1m)(d)2.]			X	
29. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, more than three grams but not more than 10 grams [961.41(1m)(e)2.]			X	
30. Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, more than 5 grams [961.41(1m)(f)3.]			X	
31. Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, more than 500 grams [961.41(1m)(g)3.]			X	

Class E Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
32. Possession with intent to manufacture, distribute or delivery THC, more than 10,000 grams or more than 200 plants containing THC [961.41(1m)(h)5.]			X	
33. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, more than three grams but less than 10 grams [961.41(1m)(hm)2.]			X	
34. Possession with intent to manufacture, distribute or delivery of flunitrazepam more than three grams but not more than 10 grams [961.41(1m)(im)2.]			X	
35. Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, a counterfeit substance included in schedule I or II which is a narcotic drug [961.41(2)(a)]			X	

Class F Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1. Sale and manufacturing of liquor without permits [125.66(3)]				
2. Delivering alcohol from denatured alcohol [125.68(12)(b)]				
3. Fraudulently receiving deposits [134.16]				
4. False or fraudulent drug tax stamp [139.95(3)]				
5. Falsification or withholding of information related to a declaration to a physician [154.15(2)]				
6. Falsification or withholding of information related to a do-not-resuscitate order [154.29(2)]				
7. False statements by officer, director, or employee of a credit union [186.80(2)]				
8. Filing of a false document with the Division of Savings and Loans [214.93]				
9. Falsification of records and dishonest acts, savings and loans [215.12]				
10. Illegal loans to government officials [221.0625(2) (intro)]				
11. False statements by officer, director or employee of a state bank [221.1004(2)]				

Class F Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
12. Second or subsequent violation of hazardous waste transportation, storage, treatment or disposal [291.97(2)(c)2.]				
13. Fleeing an officer resulting in great bodily harm [346.17(3)(c)]				
14. Operating a motor vehicle under the influence of an intoxicant or other drug, 10 or more violations [346.65(2)(am)7.]				
15. Solicitation to commit a crime for which the penalty is life imprisonment [939.30(2)]				
16. Mutilating a corpse [940.11(1)]	X	X	X	X
17. Sexual exploitation by a therapist [940.22(2)]	X		X	
18. Second-degree reckless injury [940.23(2)]			X	
19. Injury by intoxicated use of a vehicle [940.25(1)]				
20. Abuse of a vulnerable adult under circumstances that cause great bodily harm [940.285(2)(b)1m]				
21. Abuse of a vulnerable adult under circumstances that cause great bodily harm [940.285(2)(b)1m] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
22. Abuse and neglect of patients and residents (intentional abuse or neglect that causes great bodily harm) [940.295(3)(b)1r]			X	
21a. Abuse and neglect of patients and residents (intentional abuse or neglect that causes great bodily harm) [940.295(3)(b)1r] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
23. Stalking (causing bodily harm, with a prior history of violence with the victim or using a dangerous weapon) [940.32(3)]	X	X	X	X
24. Endangering safety by intentionally discharging a firearm from a vehicle while on a highway or public parking lot [941.20(3)(a)]			X	
25. Modifying a firearm to make it a machine gun [941.26(2)(b)]			X	
26. First-degree recklessly endangering safety [941.30(1)]			X	
27. Possession of explosives [941.31]				
28. Administering a dangerous or stupefying drug with intent to facilitate commission of a crime [941.32]				

Class F Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
29. Causing great bodily harm by tampering with household products [941.327(2)(b)3]			X	
30. Burglary [943.10(1m)]				
31. Loan sharking [943.28]				
32. Unlawful receipt of payments to obtain a loan for another (if the value of the payment exceeds \$2,500) [943.62(4)(c)]				
33. Computer crimes (if the offense creates a substantial and unreasonable risk of death or great bodily harm to another, causes damage valued at more than \$2,500, or causes an interruption or impairment of governmental operations, public communications, transportation or the supply of gas, water or other public services) [943.70(2)(b) 3g, 3r and 4 & (3)(b) 4]				
34. Infecting animals with a contagious disease (intentional introduction) [943.76(2)]				
35. Incest [944.06]	X		X	
36. Pandering (if compensated from the earnings of prostitute) [944.33]				
37. Sabotage [946.02]				
38. Sedition [946.03]				
39. Escape by individuals subject to Chapter 980 proceedings and/or supervision [946.42(3m)]				
40. Assault by prisoners [946.43(1m)]			X	
41. Public officer or public employee assisting or permitting escape [946.44(1g)]				
42. Bringing a firearm into prison or jail; transferring a firearm to a prisoner [946.44(1m)]				
43. Absconding after being adjudicated delinquent for a Class F felony [946.50(5d)]				
44. Physical abuse of a child (causing bodily harm by conduct creating a high probability of great bodily harm) [948.02(2)(c)]				
45. Failure by a person responsible for the welfare of a child to prevent sexual assault of the child [948.02(3)]				
46. Failure by a person responsible for the welfare of a child to prevent great bodily harm to a child [948.03(4)(a)]			X	

Class F Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
47. Causing mental harm to a child; failure by a person responsible for the welfare of a child to prevent mental harm to the child [948.04]			X	
48. Sexual exploitation of a child, if the actor is under 18 years of age when the offense occurs [948.05(2p)(b)]	X		X	
49. Causing a child under the age of 13 to view or listen to sexual activity [948.055(2)(a)]	X		X	
50. Child sex offender working with children [948.13(2)]	X		X	
51. Neglect of a child, if great bodily harm is a consequence [948.21(c)]				
52. Interference with custody of a child with intent to deprive the custodian of custody rights; concealing a child [948.31(1)(b)&(3)]				
53. Manufacture, distribution or delivery of cocaine or cocaine base, more than one gram but less than five grams [961.41(1)(cm)1r.]				
54. Manufacture, distribution or delivery of heroin, three grams or less [961.41(1)(d)1.]				
55. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, three grams or less [961.41(1)(e)1.]				
56. Manufacture, distribution or delivery of lysergic acid diethylamide, more than one gram but not more than 5 grams [961.41(1)(f)2.]				
57. Manufacture, distribution or delivery of psilocin or psilocylin, more than 100 grams but not more than 500 grams [961.41(1)(g)2.]				
58. Manufacture, distribution or delivery of THC, more than 2,500 grams but not more than 10,000 grams, or more than 50 plants containing THC but not more than 200 plants containing THC [961.41(1)(h)4.]				
59. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, three grams or less [961.41(1)(hm)1.]				
60. Manufacture, distribution or delivery of flunitrazepam three grams or less [961.41(1)(im)1.]				
61. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than one gram but not more than five grams [961.41(1m)(cm)1r.]				
62. Possession with intent to manufacture, distribute or deliver heroin, three grams or less [961.41(1m)(d)1.]				

Class F Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
63. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, three grams or less [961.41(1m)(e)1.]				
64. Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, more than one gram but not more than 5 grams [961.41(1m)(f)2.]				
65. Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, more than 100 grams but not more than 500 grams [961.41(1m)(g)2.]				
66. Possession with intent to manufacture, distribute or delivery THC, more than 2,500 grams but not more than 10,000 grams, or more than 50 plants containing THC but less than 200 plants containing THC [961.41(1m)(h)4.]				
67. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, three grams or less [961.41(1m)(hm)1.]				
68. Possession with intent to manufacture, distribute or deliver flunitrazepam, three grams or less [961.41(1m)(im)1.]				
69. Possession of any amount of piperidine [961.41(1n)(c)]				
70. Possession or disposal of waste from manufacture of methamphetamine, second or subsequent offense [961.437(4)(b)]				
71. Use of a person who is 17 years of age or under for the purpose of the manufacture, distribution or delivery of a controlled substance [961.455(1)]				

Class G Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1. Illegal use of food stamps with a value of \$5,000 or more [49.795(8)(c)]				
2. Illegal intent to secure public assistance if the value exceeds \$10,000 [49.95(1)(f)]				
3. Obtaining, selling, or soliciting two or more telephone records that pertain to another person without the person's consent [100.525(3)(b)]				

Class G Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
4. Intentional destruction of a PECFA record [101.143(10)(b)]				
5. Death by providing alcoholic beverages to a minor [125.075(2)(b)]				
6. Use or manufacturing of counterfeit cigarette stamps [139.44(1)]				
7. Tampering with cigarette meter [139.44(1m)]				
8. Violation of fireworks manufacturing licensure requirement [167.10(9)(g)]				
9. Operating a motor vehicle under the influence of an intoxicant or other drug, 7, 8 or 9 violations [346.65(2)(am)6.]				
10. Willful violation of fraudulent and practices statutes under state franchise investment law [553.52(1)]				
11. Fraud in connection with the offer or sale of any franchise [553.52(2)]				
12. Homicide resulting from negligent control of a vicious animal [940.07]				
13. Homicide by negligent handling of a dangerous weapon, explosives or fire [940.08]			X	
14. Homicide by negligent operation of a vehicle [940.10]			X	
15. Hiding a corpse [940.11(2)]				
16. Third-degree sexual assault [940.225(3)]	X		X	
17. Strangulation and suffocation, second or more violation, or a previous violation for a violent crime [940.235(2)]	X	X	X	X
18. Abuse of vulnerable adults (intentional maltreatment under circumstances that are likely to cause great bodily harm) [940.285(2)(b)1r]				
18a. Abuse of vulnerable adults (intentional maltreatment under circumstances that are likely to cause great bodily harm) [940.285(2)(b)1r] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
19. Abuse and neglect of patients and residents (intentional abuse or neglect that is likely to cause great bodily harm) [940.295(3)(b)1r]			X	
19a. Abuse and neglect of patients and residents (intentional abuse or neglect that is likely to cause great bodily harm) [940.295(3)(b)1r] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X

Class G Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
20. Felony intimidation of a witness [940.43]			X	
21. Felony intimidation of a victim [940.45]			X	
22. Endangering safety (by discharging firearm into a vehicle or building or setting a spring gun) [941.20(2)]			X	
23. Possession of a firearm by certain persons [941.29(2)]				
24. Second-degree recklessly endangering safety [941.30(2)]			X	
25. Theft (if the value of the property exceeds \$10,000) [943.20(3)(c)]				
26. Theft from the person of another or a corpse [943.20(3)(e)]				
27. Receiving stolen property (if the value of the property exceeds \$10,000) [943.34(1)(c)]				
28. Fraudulent use of financial transaction cards (if the value of the money, goods, services, or property exceeds \$10,000 within a period not exceeding six months) [943.41(8)(c)]				
29. Retail theft (if the value of the merchandise exceeds \$10,000) [943.50(4)(c)]				
30. Transferring encumbered property, if the value of the property exceeds \$10,000 but does not exceed \$100,000 [943.84 & 943.91(4)]				
31. Absconding after being adjudicated delinquent for a Class G felony [946.50(5h)]				
32. Physical abuse of a child (recklessly causing great bodily harm) [948.03(3)(a)]			X	
33. Abandonment of a child [948.20]				
34. Hazing (if the act results in the death of another) [948.51(3)(c)]				
35. Leaving a child unattended in a child care vehicle, if death is a consequence, if the person is responsible for the child's welfare [948.53(2)(b)4.]				
36. Discharging or attempting to discharge a firearm in a school zone [948.605(3)(a)]	X	X	X	X
37. Receiving stolen property from a child (if the value of the property exceeds \$5,000) [948.62(1)(c)]				
38. Manufacture, distribution or delivery of cocaine or cocaine base one gram or less [961.41(1)(cm)1g.]				

Class G Felonies

		Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
39.	Manufacture, distribution or delivery of lysergic acid diethylamide, one gram or less [961.41(1)(f)1.]				
40.	Manufacture, distribution or delivery of psilocin or psilocylin, one hundred grams or less [961.41(1)(g)1.]				
41.	Manufacture, distribution or delivery of THC, more than 1,000 grams but not more than 2,500 grams, or more than 20 plants containing THC but not more than 50 plants containing THC [961.41(1)(h)3.]				
42.	Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, one gram or less [961.41(1m)(cm)1g.]				
43.	Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, one gram or less [961.41(1m)(f)1.]				
44.	Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, one hundred grams or less [961.41(1m)(g)1.]				
45.	Possession with intent to manufacture, distribute or deliver THC, more than 1,000 grams but not more than 2,500 grams or more than 20 plants containing THC but not more than 50 plants containing THC [961.41(1m)(h)3.]				
46.	Using, or possessing with primary intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or an analog of methamphetamine, if in the presence of a child who is aged 14 or younger [961.573(3)(b)2.]				
47.	Drug paraphernalia delivery or possession with intent to deliver, by any person age 17 or older, to any person 17 years or younger for use to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or an analog of methamphetamine [961.575(3)]				

Class H Felonies

		Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1.	Criminal violations of lobby law statutes [13.69(6m)]	X	X	X	X
2.	Causing death or injury by interfering with all-terrain vehicle route or trail sign standard [23.33(13)(cg)]				
3.	Intentionally setting fires to land of another or a marsh [26.14(8)]				
4.	Failure to render aid in a boating accident that involves the death of a person [30.80(2g)(d)]				
5.	Falsifying boat certificate or title, or altering hull or engine serial numbers [30.80(3m)]				
6.	Committing a fraudulent act in connection with providing items or services under W-2 [49.141(7)(a)]				
7.	Solicitation or receiving of a kickback, bribe or rebate in connection with providing items or services under W-2 [49.141(9)(a)]				
8.	Offering or paying a kickback, bribe or rebate in connection with providing items or services under W-2 [49.141(9)(b)]				
9.	Improper charging by a provider for W-2 services [49.141(10)(b)]				
10.	Removal, deposit or concealment of property or aiding in the removal, deposit or concealment of any property with intent to evade or defeat the assessment or collection of any debt under the Aid to Families with Dependent Children and Wisconsin Works programs [49.195(3n)(k)]				
11.	Committing a fraudulent act in connection with providing items or services under medical assistance [49.49(1)(b)1.]				
12.	Soliciting or receiving a kickback, bribe or rebate in connection with providing medical assistance [49.49(2)(a)]				
13.	Offering or paying a kickback, bribe or rebate in connection with providing medical assistance [49.49(2)(b)]				
14.	Fraudulent certification of qualified medical assistance facilities [49.49(3)]				
15.	Improper charging by a provider for medical assistance services [49.49(3m)(b)]				

Class H Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
16.	Improper charging by a facility for medical assistance services [49.49(4)(b)]			
17.	Violation of a rule relating to prescription drug assistance for elderly persons [49.688(9)(b)]			
18.	Illegal use of food stamps with a value over \$100, but is less than \$5,000, second and subsequent offenses [49.795(8)(b)2.]			
19.	Illegal intent to secure public assistance if the value exceeds \$5,000 but does not exceed \$10,000 [49.95(1)(e)]			
20.	False statement related to emergency mental health detentions [51.15(12)]			
21.	False statement related to protective services placements [55.135(2)]			
22.	False statement related to securing or assisting in the securing of housing for persons of low income in order to receive more than \$25,000 [66.1207(1)(c)]			
23.	False income tax return; fraud [71.83(2)(b)1.]			
24.	Officer of a corporation; false franchise or income tax return [71.83(2)(b)2.]			
25.	Fraudulent claim for tax credit [71.83(2)(b)4.]			
26.	Tampering with road signs if the tampering results in the death of a person [86.192(4)]			
27.	Use of meat from dead or diseased animals [97.43(4)]			
28.	Violation of horsemeat labeling requirements [97.45(2)]			
29.	Knowingly making a false statement in an application for a certificate of title for a mobile home [101.9204(2)]			
30.	Intoxicating and reckless flying [114.09(2)(a)5.]			
31.	False statement related to aircraft registration [114.20(18)(c)]			
32.	Injury by providing alcohol beverages to a minor [125.075(2)(a)]			
33.	Impersonating an agent, inspector or employee of DOR or DOJ in commission of a crime [125.105(2)(b)]			
34.	Trafficking in counterfeit trademarks and other commercial marks with intent to deceive [132.20(2)]			

Class H Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
35. Unlawful contracts or conspiracies in restraint of trade or commerce [133.03(1)]				
36. Monopolization of any part of trade or commerce [133.03(2)]				
37. Fraudulent issuance or use of warehouse receipts or bills of lading [134.20(1)(intro)]				
38. Issuance of warehouse receipts without entering item into register with intent to defraud [134.205(4)]				
39. Violations of purchase and sale of scrap metal statutes, more than one previous violation [134.405(5)]				
40. Intentionally using, attempting to use, or possessing with intent to use, personal identifying information or personal identification document of an individual, including a deceased individual, without authorization or consent of the individual, for the purpose of obtaining credit, goods, or services [139.345(3)(b)3.]				
41. Possessing a schedule I or II controlled substance or ketamine or flunitrazepam not bearing drug tax stamp [139.95(2)]				
42. Sale of human organs for transplantation prohibited [146.345(3)]				
43. Female genital mutilation [146.35(5)]				
44. Filing of false 911 report [146.70(10)(a)]				
45. Prohibited acts related to records of anatomical gifts [157.06(17)]				
46. False statement related to a motor vehicle salvage dealer license [218.21(7)]				
47. Theft by bank employee or officer [221.0636(2)]				
48. Violation of statutes related to the Women, Infant and Children program, second or subsequent violation [253.06(4)(b)]				
49. Transportation of hazardous waste to an unlicensed facility or site, and storage, treatment, transportation or disposal of any hazardous waste without a license [291.97(2)(b) (intro)]				
50. Failure to comply with sex offender registration requirements (excludes certain sex registrants convicted of sexually motivated misdemeanors, first violations) [301.45(6)(a)1.]				

Class H Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
51.				
52.				
53.				
54.				
55.				
56.				
57.				
58.				
59.				
60.				
61.				
62.				
63.				
64.				

Class H Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
65. Wholesale distributors of prescription drugs, prohibited actions [450.074(3)]				
66. Delivery or possession with intent to manufacture or deliver a prescription drug in violation of the Pharmacy Examining Board statutes [450.11(9)(b)]				
67. Illegal delivery of poisons [450.14(5)]				
68. Placing of prescription drugs: (a) in public place; or (b) upon private premises without consent of owner or occupant [450.15(2)]				
69. Willful violation of securities law [551.508(1)]				
70. Willful violation of corporate take-over laws [552.19(1)]				
71. Tampering with race animals; illegal killing of race dogs; counterfeiting race tickets with intent to defraud; illegal race activities [562.13(4)]				
72. Willful violation or failure to comply with statutes or false statements related to employee welfare funds [641.19(4)(a)]				
73. Willful and unlawful use of employee welfare funds [641.19(4)(b)]				
74. Failure or neglect to respond to a writ of mandamus [783.07]				
75. Solicitation to commit a felony (other than a Class A or Class E felony) [939.30(1)]				
76. Abortion ("feticide") by a person other than the pregnant woman [940.04(1)]				
77. Assisting suicide [940.12]				
78. Aggravated battery (causing great bodily harm to another by an act done with intent to cause bodily harm; or causing bodily harm to another by conduct that creates a substantial risk of great bodily harm) [940.19(4)]			X	
78a. Aggravated battery (causing great bodily harm to another by an act done with intent to cause bodily harm; or causing bodily harm to another by conduct that creates a substantial risk of great bodily harm) [940.19(4)&(6)] (if "felony murder")	X	X	X	X
79. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause bodily harm; or causing bodily harm to an unborn child by conduct that creates a substantial risk of great bodily harm) [940.195(4)]			X	

Class H Felonies

		Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
79a.	Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause bodily harm; or causing bodily harm to an unborn child by conduct that creates a substantial risk of great bodily harm) [940.195 (4)&(6)] (if "felony murder")	X	X	X	X
80.	Battery by prisoners [940.20(1)]			X	
80a.	Battery by prisoners [940.20(1)] (if "felony murder")	X	X	X	X
81.	Battery by persons committed to institutional care for sexually violent persons [940.20(1g)]			X	
81a.	Battery by persons committed to institutional care for sexually violent persons [940.20(1g)] (if "felony murder")	X	X	X	X
82.	Battery to law enforcement officers, fire fighters and commission wardens [940.20(2)]			X	
82a.	Battery to law enforcement officers, fire fighters and commission wardens [940.20(2)] (if "felony murder")	X	X	X	X
83.	Battery to probation and parole agents and aftercare agents [940.20(2m)]			X	
83a.	Battery to probation and parole agents and aftercare agents [940.20(2m)] (if "felony murder")	X	X	X	X
84.	Battery to jurors [940.20(3)]			X	
84a.	Battery to jurors [940.20(3)] (if "felony murder")	X	X	X	X
85.	Battery to an emergency department worker, an emergency medical technician, a first responder or an ambulance driver [940.20(7)(b)]			X	
85a.	Battery to an emergency department worker, an emergency medical technician, a first responder or an ambulance driver [940.20(7)(b)] (if "felony murder")	X	X	X	X
86.	Battery or threat to witnesses [940.201]			X	
86a.	Battery or threat to witnesses [940.201] (if "felony murder")	X	X	X	X
87.	Battery or threat to a judge [940.203]			X	
87a.	Battery or threat to a judge [940.203] (if "felony murder")	X	X	X	X
88.	Battery or threat to a Department of Revenue employee [940.205]				

Class H Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
89. Battery or threat to a Department of Commerce or Department of Workforce Development employee [940.207]				
90. Strangulation and suffocation [940.235(1)]	X	X	X	X
91. Intentional abuse of vulnerable adults under circumstances that cause bodily harm [940.285(2)(b)2]				
92. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that cause bodily harm [940.295(3)(b)2]			X	
92a. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that cause bodily harm [940.295(3)(b)2] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
93. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstances that cause great bodily harm [940.295(3)(b)3]			X	
93a. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstances that cause great bodily harm [940.295(3)(b)3] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
94. False imprisonment [940.30]				
94a. False imprisonment [940.30] (if victim was a minor and the offender was not the victim's parent)	X		X	
94b. False imprisonment [940.30] (if "felony murder")	X	X	X	X
95. Stalking (if the defendant intentionally gains access to certain records in order to facilitate the violation or if the defendant has a prior stalking or harassment conviction) [940.32(2m)]				
96. Unsafe burning of buildings [941.11]				
97. Endangering safety by intentionally pointing a firearm at a law enforcement officer, fire fighter, emergency medical technician, first responder, ambulance driver, and commission warden [941.20(lm)]				
98. Disarming a peace officer [941.21]	X	X	X	X
99. Selling, possessing, using or transporting a machine gun [941.26(2)(a)]			X	
100. Sale or commercial transportation of a tear gas device [941.26(2)(e)]			X	

Class H Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
101. Using a tear gas device to cause bodily harm or bodily discomfort to a peace officer [941.26(2)(f)]			X	
102. Using or threatening to use a tear gas or pepper spray device during commission of a crime to cause bodily harm or bodily discomfort to another [941.26(2)(g)&(4)(e)]			X	
103. Using pepper spray device to cause bodily harm or bodily discomfort to a peace officer [941.26(4)(d)]			X	
104. Selling, transporting or possessing a short-barreled shotgun or rifle [941.28]				
105. Selling, manufacturing or possessing an electric weapon [941.295]				
106. Using or possessing a handgun with armor-piercing bullets during the commission of certain crimes [941.296]				
107. Selling, delivering or possessing a firearm silencer [941.298]				
108. Making, transferring, possessing or using an improvised explosive device or possessing materials or components with intent to assemble an improvised explosive device [941.31(2)]				
109. Unlawful delivery or distribution of nitrous oxide [941.315(3)]				
110. Creating a high probability of great bodily harm to another by tampering with household products [941.327(2)(b)2]			X	
111. Arson with intent to defraud [943.04]			X	
112. Possession, manufacture or transfer of a fire bomb [943.06]			X	
113. Theft (if the value of the property exceeds \$5,000 but does not exceed \$10,000) [943.20(3)(bm)]				
114. Theft (under certain circumstances) [943.20(3)(d)]				
115. Unauthorized use of an individual's personal identifying information or documents [943.201(2)]				
116. Unauthorized use of an entity's identifying information or documents [943.203(2)]				

Class H Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
117. Unlawful transfer of recorded sounds if involving at least 1,000 recordings or if the transferred sounds are replayed by others from the Internet at least 1,000 times during a 180-day period or after the person has been convicted of such unlawful transfer [943.207(3m)(c)]				
118. Recording performance without consent of performance owner if involving at least 1,000 sound recordings or 100 audiovisual recordings during a 180-day period or after the person has been convicted of such recording [943.208(2)(c)]				
119. Failure to disclose manufacturer of a recording if involving at least 100 recordings during a 180-day period or after the person has been convicted of failure to disclose the manufacturer of a recording [943.209(2)(c)]				
120. Taking and driving a motor vehicle without the owner's consent [943.23(2)]				
121. Threats to injure or accuse of a crime (extortion) [943.30]			X	
122. Receiving stolen property (if the value exceeds \$5,000 but does not exceed \$10,000) [943.34(1)(bm)]				
123. Forgery of certain documents; uttering certain forged documents [943.38(1)&(2)]				
124. Fraudulent writings [943.39]				
125. Fraudulent destruction of certain writings [943.40]				
126. Fraudulent use of financial transaction cards (if the value of the money, goods, services, or property exceeds \$5,000 but does not exceed \$10,000 within a period not exceeding six months) [943.41(8)(c)]				
127. Retail theft (if the value of the merchandise exceeds \$5,000 but does not exceed \$10,000) [943.50(4)(bm)]				
128. Criminal slander of title [943.60]				
129. Theft of library material (if the value of the library materials exceeds \$2,500) [943.61(5)(c)]				
130. Crime against computers (if the damage is greater than \$2,500 to the computer, computer system computer network, equipment or supplies) [943.70(3)(b)3]				

Class H Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
131. Unauthorized release of animals lawfully confined without consent [943.75(2m)]				
132. Infecting animals with a contagious disease (threat) [943.76(4)]				
133. False representation of a financial institution to obtain money, goods, services, or a person's personal identifying information [943.80(2)]				
134. Transferring encumbered property, if the value of the property exceeds \$500 but does not exceed \$10,000 [943.84 & 943.91(3)]				
135. Bribery involving a financial institution [943.85]				
136. Extortion against a financial institution [943.86]				
137. Mail fraud involving a financial crime [943.89]				
138. Wire fraud against a financial institution [943.90]				
139. Obscene material or performance (if the person has two or more prior obscenity convictions or if the violation is for a wholesale transfer or distribution of obscene material) [944.21(5)(c)&(e)]				
140. Soliciting prostitutes [944.32]				
141. Keeping a place of prostitution [944.34]				
142. Bribery of a participant in a contest [945.08]				
143. Bribery of public officers and employees [946.10]				
144. Perjury [946.31]				
145. False swearing [946.32(1)]				
146. Obstructing an officer (by giving or providing information or evidence that results in the conviction of innocent person) [946.41(2m)]				
147. Escape by individuals in custody of an agent or officer, based on an alleged violation and probation, parole, or extended supervision [946.42(2m)]				
148. Felony escape [946.42(3)]				
149. Felony failure to report to jail [946.425(1), (1m)(b)&(1r)(b)]				
150. Assisting or permitting escape [946.44(1)]				
151. False information regarding kidnapped or missing persons [946.48]				
152. Felony bail jumping [946.49(1)(b)]				

Class H Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
153. Absconding after being adjudicated delinquent for a Class H felony [946.50(5p)]				
154. Bribery of a witness [946.61]				
155. Simulating legal process (if the act is meant to induce payment of a claim or simulates any criminal process) [946.68(1r)(b)&(c)]				
156. Impersonating a peace officer with intent to commit a crime or aid and abet commission of a crime [946.70(2)]				
157. Tampering with public records [946.72(1)]				
158. Aiding escape from mental institution (with intent to commit a crime against sexual morality with or upon the inmate of the institution) [946.74(2)]				
159. False statements to financial institutions [946.79(2)]				
160. Harassment (if defendant has a prior conviction for certain offenses or intentionally gains access to certain records in order to facilitate the violation) [947.013(1v)&(1x)]				
161. Physical abuse of a child (intentionally causing bodily harm) [948.03(2)(b)]			X	
162. Physical abuse of a child (recklessly causing bodily harm to a child by conduct which creates a high probability of great bodily harm) [948.03(3)(c)]			X	
163. Failing to act to prevent bodily harm to a child [948.03(4)(b)]				
164. Causing a child between the ages of 13 and 17 to view or listen to sexual activity [948.055(2)(b)]	X		X	
165. Sexual assault of a child by a school staff person or a person who works or volunteers with children [948.095]	X		X	
166. Neglect of a child, if bodily harm is a consequence [948.21(a)]				
167. Unauthorized placement for adoption [948.24]				
168. Contributing to the delinquency of a child (if the child's act which is encouraged or contributed to is a violation of a criminal law punishable as a felony) [948.40(4)(b)]				
169. Hazing (if the act results in great bodily harm) [948.51(3)(b)]				

Class H Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
170. Leaving a child unattended in a child care vehicle, if death is a consequence, if the person is responsible for the child's welfare [948.53(2)(b)3.]				
171. Selling or giving a dangerous weapon to a person under 18 (if the person under 18 years of age discharges the firearm and the discharge causes death of any person) [948.60(2)(c)]				
172. Receiving stolen property from a child (if the value of the property exceeds \$2,500 but does not exceed \$5,000) [948.62(1)(bm)]				
173. Instigating fights between animals (second or subsequent violation) [951.18(2)]				
174. Harassment of police or fire department animals (causing death to the animal) [951.18(2m)]				
175. Harassment of service dogs, if intentionally causes the death of the dog, or intends to deprive another of the use of the dog [951.18(2s)]				
176. Manufacture, distribution or delivery of any other controlled substance included in schedule I, II or III, or a controlled substance analog of any other controlled substance included in schedule I or II [961.41(1)(b)]				
177. Manufacture, distribution or delivery of THC, more than 200 grams but not more than 1,000 grams, or more than four plants containing THC but not more than 20 plants containing THC [961.41(1)(h)2.]				
178. Manufacture, distribution or delivery of a substance included in schedule IV, except flunitrazepam [961.41(1)(i)]				
179. Possession with intent to manufacture, distribute or deliver any other controlled substance included in schedule I, II or III, or a controlled substance analog of a controlled substance included in schedule I or II [961.41(1m)(b)]				
180. Possession with intent to manufacture, distribute or deliver THC, more than 200 grams but not more than 1,000 grams, or more than four plants containing THC but not more than 20 plants containing THC [961.41(1m)(h)2.]				

Class H Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
181. Possession with intent to manufacture, distribute or deliver a substance included in schedule IV, except flunitrazepam [961.41(1m)(i)]				
182. Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, any other counterfeit substance included in schedule I, II, III or IV [961.41(2)(b)]				
183. Possession or attempted possession of gamma-hydroxybutyric acid (GHB), gamma-butyrolactone, 1, 4-butanediol, ketamine or flunitrazepam [961.41(3g)(f)]				
184. Acquire or obtain a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge [961.43(2)]				
185. Possession or disposal of waste from manufacture of methamphetamine, first offense [961.437(4)(a)]				
186. Knowingly solicit, hire, direct, employ, or use another to purchase a pseudoephedrine product on his or her behalf, with the intent to acquire more than 7.5 grams of a pseudoephedrine product within a 30-day period, if the person who is solicited, hired, directed, employed, or used to purchase the pseudoephedrine product is an individual less than 18 years old [961.453(1)(b)2.]				
187. Use of, or possession with primary intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or an analog of methamphetamine, if not in the presence of a child aged 14 or younger [961.573(3)(a)]				
188. Delivery, possession with intent to deliver, or manufacture with intent to deliver drug paraphernalia used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack repack or store methamphetamine or an analog of methamphetamine [961.574(3)]				
189. Possession of ephedrine or pseudoephedrine product, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, or pressurized ammonia with intent to manufacture methamphetamine [961.65]				
190. Illegal interception and disclosure of wire, electronic or oral communications [968.31(1)(intro)]				
191. Violation of an oath by a stenographic reporter or typewriter operator in connection with a grand jury [968.43(3)]				

Class I Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1. Criminal violations of campaign finance statutes [11.61(1)(a) and (b)]				
2. Criminal violations of elections statutes [12.60(1)(a)]				
3. Logrolling by members of the Legislature prohibited [13.05]				
4. Granting of executive favor by members of the Legislature prohibited [13.06]				
5. Political influence violations of conduct standards and ethics codes for state and local public officials [19.58(1)(b)]	X	X	X	X
6. Taking, transporting, acquiring, selling, purchasing, or possessing (or attempting these actions), or failing to comply with any record-keeping requirement for fish with a value exceeding \$1,000 in violation of statutes [29.971(1)(c)]				
7. Possession of clams with a value exceeding \$1,000 in violation of statutes [29.971(1m)(c)]				
8. Failure to render aid in a boating accident that involves injury to a person and the person suffers great bodily harm [30.80(2g)(c)]				
9. Improper release of mines and explored mine land information by employees of the Geological and Natural History Survey or Department of Revenue [36.25(6)(d)]				
10. Employment discrimination against an individual to a levy associated with aids to families with dependent children or Wisconsin Works programs. [49.195(3n)(r)]				
11. Illegal use of food stamps with a value over \$100, but is less than \$5,000, first offense [49.795(8)(a)2.]				
12. Illegal intent to secure public assistance if the value exceeds \$2,000 but does not exceed \$5,000 [49.95(1)(d)]				
13. False statement related to securing or assisting in the securing of housing for persons of low income in order to receive at least \$2,500 but not more than \$25,000 [66.1207(1)(b)]				
14. Fraudulent or destroyed vital statistical record [69.24(1)(intro)]				

Class I Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
15. Tampering with records of the Board of Review with intent to injure or defraud [70.47(18)(a)]				
16. Income tax evasion [71.83(2)(b)3.]				
17. Intentional violation of prize notification laws [100.171(7)(b)]				
18. Violation of commission merchant duties and responsibilities [100.26(2)]				
19. Obtaining, selling, or soliciting a telephone record that pertains to another person without the person's consent [100.525(3)(a)]				
20. Illegal handling and storage of anhydrous ammonia [101.10(4)(b)]				
21. Tampering with carbon monoxide detector in residential building, second or subsequent offense [101.149(8)(c)2.]				
22. Intent to evade collection of uninsured employer levies under the worker's compensation law [102.835(11)]				
23. Violation of an order to cease operation because of a lack of worker's compensation insurance [102.85(3)]				
24. Evading collection of unemployment compensation levies under employment compensation law [108.225(11)]				
25. Receiving money or other considerations for providing false proof of age [125.085(3)(a)2.]				
26. Unauthorized use of armed persons to protect persons or property or to suppress strikes [134.58]				
27. Unlawful possession of cigarettes if the number exceeds 36,000 [139.44(8)(c)]				
28. Knowing and willful failure to report release of a hazardous substance, first offense [166.20(11)(b)1.]				
29. Knowing and willful failure to report release of a hazardous substance, second and subsequent offenses [166.20(11)(b)2.]				
30. Filing of a false document with DFI, business corporation [180.0129(2)]				
31. Filing of a false document with DFI, nonstock corporations [181.0129(2)]				
32. Filing of a false document with DFI, cooperatives [185.825]				

Class I Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
33. Illegal disclosure of information by employees of the Office of Credit Unions [186.235(7)(c)]				
34. Fraudulently obtaining or using a certificate of authority to issue any security by a public service corporation [201.09(2)]				
35. Illegal disclosure of information by employees of the Division of Savings and Loans [215.02(6)(b)]				
36. Giving or accepting money for loans, savings and loans [215.21(21)]				
37. Illegal disclosure of information by employees of the Division of Banking [220.06(2)]				
38. Illegal commission to bank office and employees [221.0637(2)]				
39. Violation of statutes related to the Women, Infant and Children Program, first violation [253.06(4)(b)]				
40. Intentional violations of air pollution statutes and rules, second and subsequent convictions [285.87(2)(b)]				
41. Second or subsequent violation of hazardous waste handling reporting requirements [291.97(2)(c)1.]				
42. False statement to DNR related to used oil facilities, second or subsequent violations [299.53(4)(c)2.]				
43. Illegal delivery of articles to inmates by prison or jail employees [302.095(2)]				
44. Fleeing an officer [346.17(3)(a)]				
45. Negligent use of a vehicle causing great bodily harm [346.65(5)]				
46. Violation of Dental Examining Board statutes, second or subsequent offenses [447.09]				
47. Facilitation of off-track wagering and possession of fraudulent wagering tickets with intent to defraud [562.13(3)]				
48. Forged or altered lottery ticket [565.50(2)]				
49. Intentional violation of any insurance statute or rule [601.64(4)]				
50. Intentional violation of an injunction ordering a respondent to strictly comply with a judgment or order related to a physical placement [767.242(8)]				
51. Solicitation to commit a Class I felony [939.30(2)]				

Class I Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
52. Violation of conditions of lifetime supervision (if the violation also constitutes a felony) [939.615(7)(b)2]				
53. Abortion by a pregnant woman [940.04(4)]				
54. Abortion (various prohibitions) [940.15]				
55. Aggravated battery (causing substantial bodily harm to another by an act done with intent to cause bodily harm) [940.19(2)]				
55a. Aggravated battery (causing substantial bodily harm to another by an act done with intent to cause bodily harm) [940.19(2)] (if "felony murder")	X	X	X	X
56. Aggravated battery to an unborn child (causing substantial bodily harm to an unborn child by an act done with intent to cause bodily harm) [940.195(2)]				
56a. Aggravated battery to an unborn child (causing substantial bodily harm to an unborn child by an act done with intent to cause bodily harm) [940.195(2)] (if "felony murder")	X	X	X	X
57. Battery by a person subject to certain injunctions [940.20(1m)]			X	
57a. Battery by a person subject to certain injunctions [940.20(1m)] (if "felony murder")	X	X	X	X
58. Battery to public officers [940.20(4)]			X	
58a. Battery to public officers [940.20(4)] (if "felony murder")	X	X	X	X
59. Battery to a technical college district or school district officer or employee [940.20(5)]			X	
59a. Battery to a technical college district or school district officer or employee [940.20(5)] (if "felony murder")	X	X	X	X
60. Battery to a public transit vehicle operator or passenger [940.20(6)]			X	
60a. Battery to a public transit vehicle operator or passenger [940.20(6)] (if "felony murder")	X	X	X	X
61. Battery to certain employees of counties, cities, villages, or towns [940.208]				
62. Injury by negligent handling of a dangerous weapon, explosives or fire [940.24]				
63. Abuse of vulnerable adults (reckless or negligent maltreatment under circumstances that are likely to cause great bodily harm) [940.285(2)(b)1r]				

Class I Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
64. Intentional abuse of vulnerable adults under circumstances that are likely to cause bodily harm [940.285(2)(b)2]				
65. Abuse of residents of penal facilities [940.29]				
66. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that are likely to cause bodily harm [940.295(3)(b)2]			X	
66a. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that are likely to cause bodily harm [940.295(3)(b)2] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
67. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstance that are likely to cause great bodily harm [940.295(3)(b)3]			X	
67a. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstance that are likely to cause great bodily harm [940.295(3)(b)3] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
68. Stalking (if the victim suffers fear of bodily injury or death, or defendant has certain prior convictions against same victim) [940.32(2)&(2e)]				
69. Interfering with fire fighters or a fire alarm system [941.12(1)]				
70. Distributing, or possessing with intent to distribute, a hazardous substance, and knowing or having reason to know that the hazardous substance will be abused (does not apply to a person who distributes a hazardous substance in an ordinary course of business) [941.316(3)]				
71. Placing foreign objects in edibles [941.325]				
72. Tampering with household products [941.327(2)(b)1]			X	
73. False information concerning an act that constitutes tampering with household products [941.327(3)]			X	
74. Obstructing emergency or medical personnel with reasonable grounds to believe that the interference may endanger another's safety [941.37]				
75. Throwing or discharging bodily fluids at public safety workers [941.375(2)]				

Class I Felonies

		Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
76.	Soliciting a child to participate in criminal gang activity [941.38(2)]				
77.	Unlawful visual representations of nudity [942.09]				
78.	Damage to certain property [943.01(2)]			X	
79.	Criminal damage to plant research and development [943.01(2d)]				
80.	Criminal damage to certain coin-operated or card-operated machines with intent to commit theft [943.01(2g)]				
81.	Damage or threat to damage property of a witness [943.011(2)]			X	
82.	Criminal damage to or graffiti on religious and other property [943.012]				
83.	Criminal damage to property of a judge [943.013(2)]			X	
84.	Criminal damage to property of a Department of Revenue employee [943.015]				
85.	Graffiti to certain property [943.017(2)]				
86.	Graffiti to property of a witness [943.017(2m)(b)]				
87.	Arson of property other than a building [943.03]				
88.	Possession of burglarious tools [943.12]				
89.	Theft (if the value of the property exceeds \$2,500 but does not exceed \$5,000) [943.20(3)(bf)]				
90.	Theft of trade secrets [943.205]				
91.	Unauthorized transfer of recorded sounds if fewer than 1,000 records during a 180-day period and the value exceeds \$2,500 [943.207(3m)(b)]				
92.	Recording performance without consent of performance owner if involving fewer than 1,000 sound recordings or 100 audiovisual recordings during a 180-day period and the value exceeds \$2,500 [943.208(2)(b)]				
93.	Failure to disclose manufacturer of recording if fewer than 100 recordings during a 180-day period and the value exceeds \$2,500 [943.209(2)(b)]				
94.	Fraud on a hotel or restaurant keeper or taxicab operator (if the value of the service exceeds \$2,500) [943.21(3)(b)]				
95.	Operating a vehicle without owner's consent [943.23(3)]				

Class I Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
96. Removing a major part of a vehicle without owner's consent [943.23(5)]				
97. Issuing worthless checks for more than \$2,500 [943.24(2)]				
98. Removing or damaging encumbered real property (if the security is impaired by more than \$1,000) [943.26(2)]				
99. Possession of records of certain usurious loans [943.27]				
100. Threats to communicate derogatory information [943.31]				
101. Receiving stolen property (if the value exceeds \$2,500 but does not exceed \$5,000) [943.34(1)(bf)]				
102. Fraudulent insurance or employee benefit claim (if the value of the claim or benefit exceeds \$2,500) [943.395(2)(b)]				
103. Certain financial transaction card crimes [943.41(8)(b)]				
104. Fraudulent use of financial transaction cards (if the value of the money, goods, services or property exceeds \$2,500 but does not exceed \$5,000 within a period not exceeding six months) [943.41(8)(c)]				
105. Theft of telecommunications service (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.45(3)(d)]				
106. Theft of commercial mobile service (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.455(4)(d)]				
107. Theft of cable television service (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.46(4)(d)]				
108. Theft of satellite cable programming (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.47(3)(d)]				
109. Use of recording device in a movie theatre without written consent (second or subsequent offense) [943.49(2)(b)2]				

Class I Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
110. Retail theft (if the value of the merchandise exceeds \$2,500 but does not exceed \$5,000) [943.50(4)(bf)]				
111. Computer crime (if the offense is committed to defraud or to obtain property) [943.70(2)(b)2 &(3)(b)2]				
112. Unauthorized release of animals (third or subsequent violation) [943.75]				
113. Transfer of encumbered property, if the value of the property does not exceed \$500, and the person has previously been convicted of burglary, possession of burglary tools, misappropriation, or a crime against financial institutions [943.84 & 943.91(2)]				
114. Bigamy [944.05]				
115. Adultery [944.16]				
116. Commercial gambling except if violation involves five or less video gambling machines in a tavern [945.03(1m)]				
117. Dealing in gambling devices, except if the violation involves a video gambling machine [945.05(1)]				
118. Permitting seditious assembly [946.03(2)]				
119. Special privileges from public utilities [946.11]				
120. Misconduct in public office [946.12]	X	X	X	X
121. Private interest in public contracts [946.13]				
122. Purchasing claims at less than full value [946.14]				
123. Public construction contracts at less than full rate [946.15(1)&(3)]				
124. Failure to comply with an officer's attempt to take person into custody [946.415]				
125. Throwing or expelling blood, semen, vomit, saliva, urine, feces or other bodily substance at or toward an officer, employee or visitor of the prison or facility or another prisoner of the prison or facility by a prisoner under certain circumstances [946.43(2m)]			X	
126. Tampering with a global positioning system tracking device [946.465]	X	X	X	X
127. Harboring or aiding felons [946.47]				
128. Bail jumping by a witness [946.49(2)]				
129. Absconding after being adjudicated delinquent for a Class I felony [946.50(5t)]				

Class I Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
130. Destruction of documents subject to subpoena [946.60]				
131. Communicating with jurors [946.64]				
132. Obstructing justice [946.65]				
133. Simulating legal process [946.68(1r)(a)]				
134. Falsely assuming to act as a public officer or employee [946.69]				
135. Premature disclosure of search warrant [946.76]				
136. Intentionally disrupt a funeral or memorial service, if previously convicted of disrupting a funeral or memorial service [947.011(3)(b)]				
137. Harassment (if the person had a prior conviction for harassing the same victim that occurred within the last seven years) [947.013(1t)]				
138. Bomb scares [947.015]			X	
139. Threats to release chemical, biological, or radioactive substances [947.017(2)]				
140. Physical abuse of a child (recklessly causing bodily harm) [948.03(3)(b)]			X	
141. Exposing a child to harmful material [948.11(2)(a)]	X		X	
142. Exposing a child to harmful narratives or descriptions [948.11(2)(am)]	X		X	
143. Possession of child pornography, if the actor is under the age of 18 when the offense occurs [948.12(3)(b)]	X		X	
144. Intentionally capturing a representation of a minor by a sex offender, without the written consent of the minor's parent, legal custodian, or guardian [948.14]				
145. Failure to support (for 120 or more consecutive days) [948.22(2)]				
146. Concealing death of child [948.23]				
147. Interference with custody of a child [948.31(2)]				
148. Leaving a child unattended in a child care vehicle, if bodily harm is a consequence, if the person is responsible for the child's welfare [948.53(2)(b)2.]				
149. Giving a dangerous weapon to a person under 18 years of age [948.60(2)(b)]				
150. Possession of a gun in a gun free school zone [948.605(2)]	X	X	X	X

Class I Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
151. Possession of a dangerous weapon on school premises (second or subsequent conviction) [948.61(2)(b)]	X	X	X	X
152. Receiving stolen property from a child (if the value exceeds \$500 but is less than \$2,500) [948.62(1)(b)]				
153. Mistreating an animal (if the mistreatment results in the mutilation, disfigurement or death of the animal or if the animal is a police or fire department animal and the animal is injured) [951.18(1)]				
154. Instigating fights between animals (first offense) [951.18(2)]				
155. Harassment of a police or fire department animal and causing injury to the animal [951.18(2m)]				
156. Harassment of a service dog, if intentionally causes injury to dog or recklessly causes death of dog [951.18(2s)]				
157. Manufacture, distribution or delivery of THC, two hundred grams or less, or four or fewer plants containing THC [961.41(1)(h)1.]				
158. Manufacture, distribution or delivery of a substance included in schedule V [961.41(1)(j)]				
159. Possession with intent to manufacture, distribute or deliver THC, two hundred grams or less, or four or fewer plants containing THC [961.41(1m)(h)1.]				
160. Possession with intent to manufacture, distribute or deliver a substance included in schedule V [961.41(1m)(j)]				
161. Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, a counterfeit substance included in schedule V [961.41(2)(d)]				
162. Possession of a narcotic included in schedule I or II [961.41(3g)(am)]				
163. Possession or attempted possession of cocaine or cocaine base, second or subsequent offense [961.41(3g)(c)]				
164. Possession or attempted possession of lysergic acid diethylaminde, phencyclidine, amphetamine, methcathinone, psilocin or psilocylin, second or subsequent offense [961.41(3g)(d)]				
165. Possession or attempted possession of methamphetamine or a controlled substance analog of methamphetamine [961.41(3g)(g)]				

Class I Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
166.	Possession or attempted possession of THC, second or subsequent offense [961.41(3g)(e)]			
167.	Purchase of more than 7.5 grams of pseudoephedrine contained in a pseudoephedrine product within a 30-day period (does not apply to a physician, dentist, veterinarian, or pharmacist, or purchase authorized by physician, dentist, or veterinarian) [961.41(3j)]			
168.	Distribution or delivery of imitation controlled substance [961.41(4)(am)3.]			
169.	Keeping of a drug house [961.42(2)]			
170.	Knowingly solicit, hire, direct, employ, or use another to purchase a pseudoephedrine product on his or her behalf, with the intent to acquire more than 7.5 grams of a pseudoephedrine product within a 30-day period [961.453(1)(b)1.]			
171.	Purchase a pseudoephedrine product on behalf of another with the intent to facilitate another person's manufacture of methamphetamine [961.453(2)]			
172.	False statement to qualify for assignment of a Public Defender [977.06(2)(b)]			

ATTACHMENT 2

Violent Class F to I Felonies

**[Eligible for positive adjustment time of one day for every three days served;
ineligible for bifurcated sentence modification]**

Class F Felonies

1. Second-degree reckless injury [940.23(2)]
2. Abuse and neglect of patients and residents (intentional abuse or neglect that causes great bodily harm) [940.295(3)(b)1r]
3. Endangering safety by intentionally discharging a firearm from a vehicle while on a highway or public parking lot [941.20(3)(a)]
4. Modifying a firearm to make it a machine gun [941.26(2)(b)]
5. First-degree recklessly endangering safety [941.30(1)]
6. Causing great bodily harm by tampering with household products [941.327(2)(b)3]
7. Assault by prisoners [946.43(1m)]
8. Failure by a person responsible for the welfare of a child to prevent great bodily harm to a child [948.03(4)(a)]

Class G Felonies

48. Homicide by negligent handling of a dangerous weapon, explosives or fire [940.08]
49. Homicide by negligent operation of a vehicle [940.10]
50. Abuse and neglect of patients and residents (intentional abuse or neglect that is likely to cause great bodily harm) [940.295(3)(b)1r]
51. Felony intimidation of a witness [940.43]
52. Felony intimidation of a victim [940.45]
53. Endangering safety (by discharging firearm into a vehicle or building or setting a spring gun) [941.20(2)]
54. Second-degree recklessly endangering safety [941.30(2)]
55. Physical abuse of a child (recklessly causing great bodily harm) [948.03(3)(a)]

Class H Felonies

1. Aggravated battery (causing great bodily harm to another by an act done with intent to cause bodily harm; or causing bodily harm to another by conduct that creates a substantial risk of great bodily harm) [940.19(4)]
2. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause bodily harm; or causing bodily harm to an unborn child by conduct that creates a substantial risk of great bodily harm) [940.195 (4)&(6)]
3. Battery by prisoners [940.20(1)]
4. Battery by persons committed to institutional care for sexually violent persons [940.20(1g)]
5. Battery to law enforcement officers, fire fighters and commission wardens [940.20(2)]
6. Battery to probation and parole agents and aftercare agents [940.20(2m)]
7. Battery to jurors [940.20(3)]
8. Battery to an emergency department worker, an emergency medical technician, a first responder or an ambulance driver [940.20(7)(b)]
9. Battery or threat to witnesses [940.201]
10. Battery or threat to a judge [940.203]

11. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that cause bodily harm [940.295(3)(b)2]
12. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstances that cause great bodily harm [940.295(3)(b)3]
13. Selling, possessing, using or transporting a machine gun [941.26(2)(a)]
14. Sale or commercial transportation of a tear gas device [941.26(2)(e)]
15. Using a tear gas device to cause bodily harm or bodily discomfort to a peace officer [941.26(2)(f)]
16. Using or threatening to use a tear gas or pepper spray device during commission of a crime to cause bodily harm or bodily discomfort to another [941.26(2)(g)&(4)(e)]
17. Using pepper spray device to cause bodily harm or bodily discomfort to a peace officer [941.26(4)(d)]
18. Creating a high probability of great bodily harm to another by tampering with household products [941.327(2)(b)2]
19. Arson with intent to defraud [943.04]
20. Possession, manufacture or transfer of a fire bomb [943.06]
21. Threats to injure or accuse of a crime (extortion) [943.30]
22. Physical abuse of a child (intentionally causing bodily harm) [948.03(2)(b)]
23. Physical abuse of a child (recklessly causing bodily harm to a child by conduct which creates a high probability of great bodily harm) [948.03(3)(c)]

Class I Felonies

173. Battery by a person subject to certain injunctions [940.20(1m)]
174. Battery to public officers [940.20(4)]
175. Battery to a technical college district or school district officer or employee [940.20(5)]
176. Battery to a public transit vehicle operator or passenger [940.20(6)]
177. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that are likely to cause bodily harm [940.295(3)(b)2]
178. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstance that are likely to cause great bodily harm [940.295(3)(b)3]
179. Tampering with household products [941.327(2)(b)1]
180. False information concerning an act that constitutes tampering with household products [941.327(3)]
181. Damage to certain property [943.01(2)]
182. Damage or threat to damage property of a witness [943.011(2)]
183. Criminal damage to property of a judge [943.013(2)]
184. Throwing or expelling blood, semen, vomit, saliva, urine, feces or other bodily substance at or toward an officer, employee or visitor of the prison or facility or another prisoner of the prison or facility by a prisoner under certain circumstances [946.43(2m)]
185. Bomb scares [947.015]
186. Physical abuse of a child (recklessly causing bodily harm) [948.03(3)(b)]