
Wisconsin Legislative Council

AMENDMENT MEMO



Memo published: February 22, 2024

Contact: Katie Bender-Olson, Principal Attorney

2023 Assembly Bill 181

Assembly Amendment 1

BACKGROUND

Current law provides a limited earned release program that allows eligible inmates to be released to extended supervision or parole early if they complete a substance abuse program. The existing program is only available for inmates who meet the following conditions: (1) the individual is not serving time for specified violent crimes;¹ (2) the individual was deemed eligible by the sentencing court; and (3) the individual successfully completes a Department of Corrections (DOC) substance abuse treatment program.

An eligible inmate who completes the treatment program will have his or her sentence modified by a court to convert remaining confinement time in prison to supervised time in the community. The program allows for early release under DOC supervision while maintaining the total length of an individual's sentence.

The existing earned release program is only available to inmates with substance abuse needs who complete substance abuse programs, and not to those who earn educational credentials or complete job training programs. Presently, an individual must be deemed eligible or ineligible for the earned release program at the time the individual is initially sentenced.

2023 ASSEMBLY BILL 181

Assembly Bill 181 expands the existing earned release program to also apply to eligible inmates who complete an Employment Readiness Training Program (ERTP). An "employment readiness training program" is defined to mean an education, job training, employment, or other equivalent evidence-based program intended to lead to employment and reduce recidivism. DOC is authorized to promulgate administrative rules for implementation of the program, including any requirements for what programming qualifies as an ERTP for earned release purposes.

The bill restricts the amount of time that a judge may convert from confinement time in prison to supervision time in the community for individuals qualifying for and completing an ERTP. An inmate cannot be released to supervision until he or she has served at least two-thirds of the confinement in prison portion of his or her bifurcated sentence. Thus, for an individual who successfully completes an ERTP, the judge may convert no more than 33 percent of the individual's prison time to DOC-extended

¹ To be eligible for earned release, an inmate cannot be serving a sentence for any violation contained in ch. 940, *Crimes Against Life and Bodily Security*, or for a violation of s. 948.02, *Sexual Assault of a Child*; s. 948.025, *Repeated Acts of Sexual Assault of the Same Child*; s. 948.03, *Physical Abuse of a Child*; s. 948.05, *Sexual Exploitation of a Child*; s. 948.051, *Trafficking of a Child*; s. 948.055, *Causing a Child to View or Listen to Sexual Activity*; s. 948.06, *Incest With a Child*; s. 948.07, *Child Enticement*; s. 948.075, *Use of a Computer to Facilitate a Child Sex Crime*; s. 948.08, *Soliciting a Child for Prostitution*; s. 948.085, *Sexual Assault of a Child Placed in Substitute Care*; or s. 948.095, *Sexual Assault of a Child by School Staff or Person Who Works With or Volunteers With Children*. [s. 302.05 (3) (a) 1., Stats.]

supervision time. Under the bill, an eligible inmate who has DOC approval may petition the sentencing court for ERTTP eligibility at any point after sentencing.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 makes individuals who commit arson crimes ineligible for the earned release program. Specifically, the amendment adds the following offenses to the list of disqualifying crimes: ss. 943.02, *Arson of Buildings*; s. 943.03, *Arson of Property Other Than Building*; and s. 943.04, *Arson With Intent to Defraud*, Stats.

BILL HISTORY

Assembly Amendment 1 was offered by Representative Schraa on February 21, 2024. On February 22, 2024, the Assembly adopted the amendment and passed the bill, as amended.

For a full history of the bill, visit the Legislature's [bill history page](#).

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