

State of Wisconsin



2021 Assembly Bill 842

Date of enactment: April 8, 2022
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2021 WISCONSIN ACT 227

AN ACT to amend 302.045 (2) (c), 302.113 (9g) (b) (intro.) and 973.01 (3m); and to create 304.02 (1m) and 973.09 (3) (d) 7. of the statutes; relating to: earned release from parole or extended supervision and discharge from probation.

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

SECTION 1. 302.045 (2) (c) of the statutes is amended to read:

302.045 (2) (c) The inmate is incarcerated regarding a violation other than a crime specified in ch. 940 or s. 941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b), not including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s. 948.02, 948.025, 948.03, 948.05, 948.051 (3), 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, or 948.095.

SECTION 3. 302.113 (9g) (b) (intro.) of the statutes is amended to read:

302.113 (9g) (b) (intro.) An inmate who is serving a bifurcated sentence for a crime other than a crime specified in s. 941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b), not including s. 951.02, 951.08, 951.09, or 951.095; a crime under s. 948.02 (3), 948.055, 948.075, or 948.095; or a Class B felony may seek modification of the bifurcated sentence in the manner specified in par. (f) if he or she meets one of the following criteria:

SECTION 4. 304.02 (1m) of the statutes is created to read:

304.02 (1m) A person who is serving a sentence for a crime specified in s. 941.29 (1g) (a); a crime specified

in s. 941.29 (1g) (b), not including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s. 948.02 (3), 948.055, 948.075, or 948.095 is not eligible for special action release under this section.

SECTION 6. 973.01 (3m) of the statutes is amended to read:

973.01 (3m) CHALLENGE INCARCERATION PROGRAM ELIGIBILITY. When imposing a bifurcated sentence under this section on a person convicted of a crime other than a crime specified in ch. 940 or s. 941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b), not including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s. 948.02, 948.025, 948.03, 948.05, 948.051 (3), 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, or 948.095, the court shall, as part of the exercise of its sentencing discretion, decide whether the person being sentenced is eligible or ineligible for the challenge incarceration program under s. 302.045 during the term of confinement in prison portion of the bifurcated sentence.

SECTION 7. 973.09 (3) (d) 7. of the statutes is created to read:

973.09 (3) (d) 7. The probationer is on probation for a violation other than a crime specified in s. 941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b), not including

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

s. 951.02, 951.08, 951.09, or 951.095; or a crime under
s. 948.02 (3), 948.055, 948.075, or 948.095.

(1) This act first applies to convictions that occur on
the effective date of this subsection.

SECTION 7r. Initial applicability.
