



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBa1089/1  
CMH:kjf

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY BILL 805**

February 5, 2020 - Offered by Representative SORTWELL.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: delete “crime” and substitute “felony or a violent  
3 misdemeanor”.

4 **2.** Page 2, line 1: delete “crime,” and substitute “felony or a violent  
5 misdemeanor, as defined in s. 941.29 (1g) (b),”.

6 **3.** Page 2, line 2: after that line insert:

7 “**SECTION 1f.** 302.113 (8m) (c) of the statutes is created to read:

8 302.113 (8m) (c) If the department is required to recommend revocation under  
9 par. (a) and the charges are dismissed or the person is found not guilty of the charges  
10 filed, the person shall be released to extended supervision and provided with credit  
11 in accordance with s. 304.072. Unless the dismissed charge is refiled, the person’s  
12 extended supervision may not be revoked for the same act for which the person was  
13 charged even if the act is a violation of a condition or rule.”.

1           **4.** Page 2, line 8: delete “crime,” and substitute “felony or a violent  
2 misdemeanor, as defined in s. 941.29 (1g) (b),”.

3           **5.** Page 2, line 9: after that line insert:

4           “**SECTION 2f.** 302.114 (8m) (c) of the statutes is created to read:

5           302.114 (**8m**) (c) If the department is required to recommend revocation under  
6 par. (a) and the charges are dismissed or the person is found not guilty of the charges  
7 filed, the person shall be released to extended supervision and provided with credit  
8 in accordance with s. 304.072. Unless the dismissed charge is refiled, the person’s  
9 extended supervision may not be revoked for the same act for which the person was  
10 charged even if the act is a violation of a condition or rule.”.

11           **6.** Page 2, line 17: delete “crime,” and substitute “felony or a violent  
12 misdemeanor, as defined in s. 941.29 (1g) (b),”.

13           **7.** Page 2, line 18: after “revoked.” insert “If the charges are dismissed or the  
14 person is found not guilty of the charges filed, the person shall be released to parole  
15 and provided with credit in accordance with s. 304.072. Unless the dismissed charge  
16 is refiled, the person’s parole may not be revoked for the same act for which the  
17 person was charged even if the act is a violation of a condition or rule.”.

18           **8.** Page 3, line 8: after that line insert:

19           “**SECTION 3f.** 304.072 (2) of the statutes is amended to read:

20           304.072 (**2**) If a parolee, probationer or person on extended supervision is  
21 alleged to have violated the terms of his or her supervision but the department or  
22 division determines that the alleged violation was not proven, the period between the  
23 alleged violation and the determination shall be treated as service of the  
24 probationary, extended supervision, or parole period. If a person is released under

1 s. 302.113 (8m) (a), 302.114 (8m) (a), 304.06 (3), or 973.10 (2) (intro.) due to a  
2 dismissal of a charge or a finding of not guilty, the period between the  
3 recommendation to revoke and the release shall be treated as service of the  
4 probationary, extended supervision, or parole period.”.

5 **9.** Page 3, line 13: delete “crime,” and substitute “felony or a violent  
6 misdemeanor, as defined in s. 941.29 (1g) (b),”.

7 **10.** Page 3, line 13: after “revoked.” insert “If the charges are dismissed or the  
8 person is found not guilty of the charges filed, the person shall be released to  
9 probation and provided with credit in accordance with s. 304.072. Unless the  
10 dismissed charge is refiled, the person’s probation may not be revoked for the same  
11 act for which the person was charged even if the act is a violation of a condition or  
12 rule.”.

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(END)