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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**Memo published:** May 26, 2023

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**2023 Senate Bill 48**

**Senate Substitute Amendment 1**

### 2023 SENATE BILL 48

2023 Senate Bill 48 modifies various state laws relating to the Parole Commission, a governmental body administratively attached to the Department of Corrections (DOC) tasked with considering whether an individual who committed a felony before December 31, 1999, should be granted parole. The Parole Commission is comprised of four members, including a chairperson who has final parole-granting authority. The Parole Commission may grant discretionary parole to an eligible individual that has served 25 percent of the sentence imposed for the offense, or six months, whichever is greater.

#### Closed Session

Current law requires that every meeting of a governmental body be held in open session, unless one or more exemptions apply allowing the body to convene in closed session. One of those exemptions allows a governmental body to convene in closed session for the purpose of considering specific applications of probation, extended supervision, or parole. The bill repeals this exemption and further specifies that another current law exemption for case deliberations does not authorize convening in closed session for considering specific applications of probation, extended supervision, or parole.

#### Public Notice

Current law generally requires that every meeting of a governmental body be preceded by public notice containing various information, including the time, date, place, and subject matter of the meeting. The bill requires that any public notice required for meetings of the Parole Commission be posted on DOC's website and include the names of individuals who are being considered for parole.

#### Parole Information

The bill requires DOC to make available certain information relating to parole. Specifically, under the bill, DOC must post on its website the individuals granted parole, denied parole, and returned to prison following the revocation of parole. DOC must post aggregate numbers that identify monthly totals and yearly totals, with the yearly totals presented by: (1) the crime for which the individual was convicted; (2) the sex, race, and age of the individual; and (3) the locality in which the individual was convicted. Finally, the bill requires DOC to post any guidance documents that the Parole Commission uses to guide parole decisions.

### SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 omits the bill's provisions eliminating the authority to convene in closed session to consider applications of probation, extended supervision, or parole. The substitute amendment also omits the bill's provisions requiring public notices of the Parole Commission's meetings to be posted on DOC's website and include the names of individuals who are being considered for parole.

In addition, Senate Substitute Amendment 1 creates provisions relating to various types of notice to victims relevant to parole. First, the substitute amendment expands the victims entitled, upon request, to be notified when an inmate applies for parole, or is released on parole or extended supervision,<sup>1</sup> to include any member of the victim's family who was younger than 18 years of age at the time the crime was committed, but is now 18 years of age or older.

Second, the substitute amendment requires that notice that an inmate has applied for parole be mailed to the last-known address of certain specified recipients, including victims who have requested such notification, at least 90 days before a parole interview or hearing, rather than three weeks prior to the interview or hearing as required under current law.

## **BILL HISTORY**

Senator Wanggaard offered Senate Substitute Amendment 1 on May 16, 2023. On May 23, 2023, the Senate Committee on Judiciary and Public Safety recommended adoption of the substitute amendment on a vote of Ayes, 7; Noes, 0; and passage of Senate Bill 48, as amended, on a vote of Ayes, 5; Noes, 2.

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

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<sup>1</sup> Individuals released on extended supervision are generally subject to the bifurcated sentencing system, which applies to individuals who committed crimes on or after December 31, 1999 (in contrast to parole, sometimes referred to as "old law," which applies to offenders who committed their offenses prior to December 31, 1999.) Under the bifurcated sentencing system, an offender receives a bifurcated sentence consisting of two parts: (1) a term of confinement; and (2) a term of extended supervision.