

1       **AN ACT** *to amend* 973.01 (2) (d) (intro.) of the statutes; **relating to:** maximum term  
 2           of extended supervision.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This bill draft was prepared for the Joint Legislative Council’s Special Committee on Justice Reinvestment Initiative Oversight.

Under current law, a court must impose a bifurcated sentence for a person sentenced to imprisonment for a felony, other than a Class A felony, committed after December 31, 1999, or a misdemeanor committed on or after February 1, 2003. A bifurcated sentence includes a period of confinement and a period of extended supervision.

The statutes define the maximum term of imprisonment for each sentence. The term of imprisonment for a bifurcated sentence is broken into 2 phases: confinement and extended supervision.

The statutes also define the maximum term a court may sentence a person to spend in confinement as well as both the minimum and maximum term of extended supervision for classified felonies. The minimum term of extended supervision is not less than 25% of the time one is sentenced to confinement. The maximum terms of confinement and extended supervision for felonies other than a Class A felony are as follows:

- Class B felony: maximum term of confinement is 40 years; maximum term of extended supervision is 20 years.
- Class C felony: maximum term of confinement is 25 years; maximum term of extended supervision is 15 years.
- Class D felony: maximum term of confinement is 15 years; maximum term of extended supervision is 10 years.
- Class E felony: maximum term of confinement is 10 years; maximum term of extended supervision is 5 years.
- Class F felony: maximum term of confinement is 7.5 years; maximum term of extended supervision is 5 years.

- Class G felony: maximum term of confinement is 5 years; maximum term of extended supervision is 5 years.
- Class H felony: maximum term of confinement is 3 years; maximum term of extended supervision is 3 years.
- Class I felony: maximum term of confinement is 1.5 years; maximum term of extended supervision is 2 years.

This draft provides that the maximum term of extended supervision may not exceed 75% of the term of confinement for all crimes other than Class B and C felonies and the crimes defined as “sex offenses” under s. 301.45 (1d) (b), stats. For Class B and C felonies and sex offenses, the maximum terms of extended supervision set forth in current law apply.

1           **SECTION 1.** 973.01 (2) (d) (intro.) of the statutes is amended to read:  
 2           973.01 (2) (d) *Minimum and maximum term of extended supervision.* (intro.) The term  
 3 of extended supervision may not be less than 25%, and not more than 75%, of the length of  
 4 the term of confinement in prison imposed under par. (b), ~~and, for~~ For a classified felony, the  
 5 term of extended supervision may not be less than 25%, and, except for a Class B or C felony  
 6 or a crime described in s. 301.45 (1d) (b), not more than 75%, of the term of confinement in  
 7 prison imposed under par. (b). The maximum term of extended supervision for a Class B or  
 8 C felony or a crime described in s. 301.45 (1d) (b) is subject to whichever of the following  
 9 limits is applicable:

**NOTE:** This section provides that the maximum term of extended supervision may not exceed 75% of the term of confinement, except for Class A, B, and C felonies and sex offenses as defined in s. 301.45 (1d) (b), stats. For Class B and C felonies and sex offenses, the maximum terms of extended supervision set forth in current law apply.

**COMMENT:** 1. The definition of “sex offense” is the definition contained in the sex offender registry statute.

2. Should the draft permit a longer term of extended supervision for offenders who are unable to pay restitution if the term of extended supervision is limited to 75% of the term of confinement?