

1 **AN ACT** *to repeal and recreate* 973.01 (2) (d) (intro.); and *to create* 973.01 (2) (e) of
 2 the statutes; **relating to:** maximum term 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 felonies, Class 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 repealed and recreated to read:

2 973.01 (2) (d) (intro.) *Minimum and maximum term of extended supervision.* Except
3 for a Class B felony, a Class C felony, or a crime described in s. 301.45 (1d) (b), [and except
4 as provided in par. (e),] the term of extended supervision may not be less than 25%, and not
5 more than 75%, of the length of the term of confinement in prison imposed under par. (b). For
6 a Class B felony, a Class C felony, or a crime described in s. 301.45 (1d) (b), the minimum term
7 of extended supervision may not be less than 25% of the term of confinement in prison
8 imposed under par. (b) and the maximum term of extended supervision is subject to whichever
9 of the following 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 B felonies, Class C felonies, and sex offenses as defined in s. 301.45 (1d) (b), stats. For these latter crimes, the maximum terms of extended supervision set forth in current law apply.

10 **[SECTION 2.** 973.01 (2) (e) of the statutes is created to read:

11 973.01 (2) (e) For a crime other than a Class B felony, a Class C felony, or a crime
12 described in s. 301.45 (1d) (b), a court may impose a term of extended supervision that does

1 not exceed the applicable maximum term specified in par. (d) 3. to 6. if the court determines
2 that it is necessary to protect a victim's rights under s. 950.04 (1v).

NOTE: SECTION 1 generally provides that a court may not impose a term of extended supervision that exceeds 75% of the length of the term of confinement portion of a bifurcated sentence. This SECTION provides that a court may exceed the limit if the court determines that it is necessary to protect a victim's rights.]

COMMENT: Should the bracketed language be included in the draft?

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(END)