

1985 Assembly Bill 391

Date of enactment: **March 26, 1986**
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1985 Wisconsin Act 150

AN ACT to amend 973.09 (7m) (a); and to create 56.08 (1) (bn) and 973.03 (3) of the statutes, relating to orders to perform community service work.

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

SECTION 1. 56.08 (1) (bn) of the statutes is created to read:

56.08 (1) (bn) Performing community service work under s. 973.03;

SECTION 2. 973.03 (3) of the statutes is created to read:

973.03 (3) (a) If a court sentences a defendant to imprisonment in the county jail, the court may provide that the defendant perform community service work under pars. (b) and (c). The defendant earns good time at a rate of one day for each 3 days of work performed. A day of work equals 8 hours of work performed. This good time is in addition to good time authorized under s. 53.43.

(b) The court may require that the defendant perform community service work for a public agency or a nonprofit charitable organization. The number of hours of work required may not exceed what would be reasonable considering the seriousness of the offense and any other offense which is read into the record at the time of conviction. An order may only apply if agreed to by the defendant and the organization or agency. The court shall ensure that the defendant is provided a written statement of the terms of the community service order and that the community service order is monitored.

(c) Any organization or agency acting in good faith to which a defendant is assigned pursuant to an order under this subsection has immunity from any civil liability in excess of \$25,000 for acts or omissions by or impacting on the defendant.

(d) This subsection applies to persons who are sentenced to a county jail but are transferred to a Huber facility under s. 56.09.

(e) A court may not provide that a defendant perform community service work under this subsection if the defendant is being sentenced regarding any of the following:

1. A crime which is a Class A or B felony.
2. A crime which is a Class C felony listed in s. 969.08 (10) (b), but not including any crime specified in s. 943.10.
3. A crime which is a Class C felony specified in s. 940.203.

SECTION 3. 973.09 (7m) (a) of the statutes is amended to read:

973.09 (7m) (a) The court may require as a condition of probation that the probationer perform com-

munity service work for a public agency or a nonprofit charitable organization. The number of hours of work required may not exceed what would be reasonable considering the seriousness of the offense and any other offense which is read into the record at the time of conviction. An order may only apply if agreed to by the probationer and the organization or agency. The court shall ensure that the probationer is provided a written statement of the terms of the community service order and that the community service order is monitored. If the court requires the conditions provided in this subsection and sub. (4), the probationer reduces the period of confinement under sub. (4) at a rate of one day for each 3 days of work performed. A day of work equals 8 hours of work performed.

SECTION 4. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
102.07 (14)	971.38	971.38, 973.03 (3), 973.05 (3) or 973.09