

# State of Wisconsin



1995 Senate Bill 72

Date of enactment: **March 20, 1996**

Date of publication\*: **April 3, 1996**

## 1995 WISCONSIN ACT 154

AN ACT *to amend* 946.42 (1) (a) and 946.425 (2); and *to create* 946.425 (1r) and 968.255 (7) (d) of the statutes; relating to: persons who are ordered to be confined as a condition of probation and providing a penalty.

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

**SECTION 1.** 946.42 (1) (a) of the statutes is amended to read:

946.42 (1) (a) "Custody" includes without limitation actual custody of an institution, including a secured juvenile correctional facility, a secure detention facility, as defined under s. 48.02 (16), or a juvenile portion of a county jail, or of a peace officer or institution guard and constructive custody of prisoners and juveniles subject to an order under s. 48.34 (4m) temporarily outside the institution whether for the purpose of work, school, medical care, a leave granted under s. 303.068, a temporary leave or furlough granted to a juvenile or otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the county to which the prisoner was transferred after conviction. "Custody" also includes the custody by the department of health and social services of a child who is placed in the community under corrective sanctions supervision under s. 48.533. It does not include the custody of a probationer or parolee by the department of corrections or a probation or parole officer or the custody of a person who has been released to aftercare supervision under ch. 48 unless the person is in actual custody or is subject to a confinement order under s. 973.09 (4).

**SECTION 2.** 946.425 (1r) of the statutes is created to read:

946.425 (1r) (a) Any person who is subject to a confinement order under s. 973.09 (4) as the result of a conviction for a misdemeanor and who intentionally fails to report to the county jail or house of correction as required under the order is guilty of a Class A misdemeanor.

(b) Any person who is subject to a confinement order under s. 973.09 (4) as the result of a conviction for a felony and who intentionally fails to report to the county jail or house of correction as required under the order is guilty of a Class D felony.

**SECTION 3.** 946.425 (2) of the statutes is amended to read:

946.425 (2) A court shall impose a sentence under this section consecutive to any sentence previously imposed or that may be imposed for any crime or offense for which the person was sentenced under s. 973.03 (5) (b) or 973.15 (8) (a), consecutive to any sentence that may apply to the person under s. 973.10 (2) or consecutive to any confinement order under s. 973.09 (4) previously issued by a court regarding the person.

**SECTION 4.** 968.255 (7) (d) of the statutes is created to read:

968.255 (7) (d) Is confined as a condition of probation under s. 973.09 (4).

**SECTION 5. Initial applicability.**

(1) The treatment of sections 946.42 (1) (a) and 946.425 (1r) and (2) of the statutes first applies to

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

offenses committed on the effective date of this subsection.

statutes first applies to searches conducted on the effective date of this subsection.

(2) The treatment of section 968.255 (7) (d) of the

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