



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1995 ASSEMBLY BILL 123**

March 15, 1995 – Offered by Representatives OWENS, AINSWORTH, ALBERS, OTTE, LADWIG, VRAKAS, COLEMAN, GOETSCH, GROTHMAN, MUSSEY, GUNDERSON, OLSEN, KREIBICH, SILBAUGH, HOVEN, F. LASEE, WASSERMAN, PORTER, LAZICH, FREESE and HANDRICK.

1     **AN ACT to amend** 302.11 (1), 304.02 (5), 304.06 (1) (b), 304.071 (2), 939.50 (2),  
2           948.02 (1), 971.11 (1), 971.37 (1) (intro.) and 973.09 (1) (c); and **to create** 302.11  
3           (1x), 939.50 (1) (ab) and 939.50 (3) (ab) of the statutes; **relating to:** sexual  
4           assault and providing a penalty.

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

5           **SECTION 1.** 302.11 (1) of the statutes is amended to read:

6           302.11 (1) The warden or superintendent shall keep a record of the conduct of  
7           each inmate, specifying each infraction of the rules. Except as provided in subs. (1g),  
8           (1m), (1x), (7) and (10), each inmate is entitled to mandatory release on parole by the  
9           department. The mandatory release date is established at two-thirds of the  
10          sentence. Any calculations under this subsection or sub. (2) (b) resulting in fractions  
11          of a day shall be rounded in the inmate's favor to a whole day.

12          **SECTION 2.** 302.11 (1x) of the statutes is created to read:

13          302.11 (1x) An inmate serving a term subject to s. 939.50 (3) (ab) is not entitled  
14          to mandatory release.

1           **SECTION 3.** 304.02 (5) of the statutes is amended to read:

2           304.02 (5) Notwithstanding subs. (1) to (3), a prisoner who is serving a life  
3 sentence under s. 939.62 (2m) or who is serving a term subject to s. 939.50 (3) (ab)  
4 is not eligible for release to parole supervision under this section.

5           **SECTION 4.** 304.06 (1) (b) of the statutes is amended to read:

6           304.06 (1) (b) Except as provided in sub. (1m) or s. 161.49 (2), 302.045 (3),  
7 939.50 (3) (ab) or 973.0135, the parole commission may parole an inmate of the  
8 Wisconsin state prisons or any felon or any person serving at least one year or more  
9 in a county house of correction or a county reforestation camp organized under s.  
10 303.07, when he or she has served 25% of the sentence imposed for the offense, or 6  
11 months, whichever is greater. Except as provided in s. 939.62 (2m) or 973.014, the  
12 parole commission may parole an inmate serving a life term when he or she has  
13 served 20 years, as modified by the formula under s. 302.11 (1) and subject to  
14 extension using the formulas under s. 302.11 (2). The person serving the life term  
15 shall be given credit for time served prior to sentencing under s. 973.155, including  
16 good time under s. 973.155 (4). The secretary may grant special action parole  
17 releases under s. 304.02. The department or the parole commission shall not provide  
18 any convicted offender or other person sentenced to the department's custody any  
19 parole eligibility or evaluation until the person has been confined at least 60 days  
20 following sentencing.

21           **SECTION 5.** 304.071 (2) of the statutes is amended to read:

22           304.071 (2) If a prisoner is not eligible for parole under s. 161.49 (2), 939.50 (3)  
23 (ab), 939.62 (2m) or 973.032 (5), he or she is not eligible for parole under this section.

24           **SECTION 6.** 939.50 (1) (ab) of the statutes is created to read:

25           939.50 (1) (ab) Class AB felony.

1           **SECTION 7.** 939.50 (2) of the statutes is amended to read:

2           939.50 **(2)** A felony is a Class A, AB, B, C, D or E felony when it is so specified  
3 in chs. 939 to 951.

4           **SECTION 8.** 939.50 (3) (ab) of the statutes is created to read:

5           939.50 **(3)** (ab) For a Class AB felony, imprisonment for not more than 50 years.  
6 The defendant shall serve the sentence that the court imposes without the possibility  
7 of parole.

8           **SECTION 9.** 948.02 (1) of the statutes is amended to read:

9           948.02 **(1)** FIRST DEGREE SEXUAL ASSAULT. Whoever has sexual contact or sexual  
10 intercourse with a person who has not attained the age of 13 years is guilty of a Class  
11 B AB felony.

12           **SECTION 10.** 971.11 (1) of the statutes is amended to read:

13           971.11 **(1)** Whenever the warden or superintendent receives notice of an  
14 untried criminal case pending in this state against an inmate of a state prison, the  
15 warden or superintendent shall, at the request of the inmate, send by certified mail  
16 a written request to the district attorney for prompt disposition of the case. The  
17 request shall state the sentence then being served, the date of parole eligibility, if  
18 applicable, the approximate discharge or conditional release date, and prior decision  
19 relating to parole. If there has been no preliminary examination on the pending case,  
20 the request shall state whether the inmate waives such examination, and, if so, shall  
21 be accompanied by a written waiver signed by the inmate.

22           **SECTION 11.** 971.37 (1) (intro.) of the statutes is amended to read:

23           971.37 **(1)** (intro.) In this section, "child sexual abuse" means an alleged  
24 violation of s. 940.225, 948.02 (2) or (3), 948.025, 948.05 or 948.06 if the alleged victim  
25 is a minor and the person accused of, or charged with, the violation:

