



2005 ASSEMBLY BILL 866

December 8, 2005 – Introduced by Representatives PARISI, TURNER, FIELDS, GRIGSBY, HINES, BOYLE, POCAN, ZEPNICK, BLACK, BERCEAU, TRAVIS, SHERIDAN, KESSLER, TOLES, SEIDEL and WOOD, cosponsored by Senators CARPENTER and RISSER. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to renumber and amend* 302.05 (1); *to amend* 302.05 (3) (b), 302.05
2 (3) (c) 1., 302.05 (3) (c) 2. (intro.) and 302.05 (3) (d); and *to create* 302.05 (1) (d)
3 of the statutes; **relating to:** the earned release program.

Analysis by the Legislative Reference Bureau

Under current law, DOC and DHFS operate the Drug Abuse Correctional Center Program in Winnebago, which provides substance abuse treatment for prison inmates transferred there. If DOC determines that an inmate has successfully completed the program, the inmate is released early to parole or extended supervision. Inmates convicted of certain violent crimes or certain offenses against children are not eligible for early release under this program. Inmates who are sentenced under the “Truth in Sentencing” law are eligible only if the court authorizes their participation. This bill authorizes DOC to establish similar treatment and release programs at any state prison.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 302.05 (1) of the statutes is renumbered 302.05 (1) (am), and 302.05
5 (1) (am) (intro.), as renumbered, is amended to read:

ASSEMBLY BILL 866**SECTION 1**

1 302.05 (1) (am) (intro.) The department of corrections and the department of
2 health and family services may designate a section of a mental health institute as
3 a correctional treatment facility for the treatment of substance abuse of inmates
4 transferred from Wisconsin state prisons. This section shall be administered by the
5 department of corrections and shall be known as the Wisconsin substance abuse
6 program. The department of corrections and the department of health and family
7 services shall ensure that the residents at the institution and the residents in the
8 substance abuse program:

9 **SECTION 2.** 302.05 (1) (d) of the statutes is created to read:

10 302.05 (1) (d) The department of corrections may designate all or part of any
11 state prison as a correctional treatment facility and provide, at that facility,
12 programs for treating the abuse of alcohol or other drugs by inmates.

13 **SECTION 3.** 302.05 (3) (b) of the statutes is amended to read:

14 302.05 (3) (b) Except as provided in par. (d), if the department determines that
15 an eligible inmate serving a sentence other than one imposed under s. 973.01 has
16 successfully completed ~~the~~ a treatment program described in sub. (1), the parole
17 commission shall parole the inmate for that sentence under s. 304.06, regardless of
18 the time the inmate has served. If the parole commission grants parole under this
19 paragraph, it shall require the parolee to participate in an intensive supervision
20 program for drug abusers as a condition of parole.

21 **SECTION 4.** 302.05 (3) (c) 1. of the statutes is amended to read:

22 302.05 (3) (c) 1. Except as provided in par. (d), if the department determines
23 that an eligible inmate serving the term of confinement in prison portion of a
24 bifurcated sentence imposed under s. 973.01 has successfully completed ~~the~~ a

ASSEMBLY BILL 866

1 treatment program described in sub. (1), the department shall inform the court that
2 sentenced the inmate.

3 **SECTION 5.** 302.05 (3) (c) 2. (intro.) of the statutes is amended to read:

4 302.05 (3) (c) 2. (intro.) Upon being informed by the department under subd.
5 1. that an inmate whom the court sentenced under s. 973.01 has successfully
6 completed ~~the~~ a treatment program described in sub. (1), the court shall modify the
7 inmate's bifurcated sentence as follows:

8 **SECTION 6.** 302.05 (3) (d) of the statutes is amended to read:

9 302.05 (3) (d) The department may place intensive sanctions program
10 participants in ~~the~~ a treatment program described in sub. (1), but pars. (b) and (c)
11 do not apply to those participants.

12

(END)