# 2009 SENATE BILL 315

September 30, 2009 – Introduced by  JOINT LEGISLATIVE COUNCIL. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

1    AN ACT *to repeal and recreate* 973.01 (2) (d) (intro.) of the statutes; **relating**

2    **to:** the maximum term of extended supervision.

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### Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:  This bill 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 on or 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.

**SENATE BILL 315**

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 bill 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

2  read:

3  973.01 **(2)** (d) *Minimum and maximum term of extended supervision.* (intro.)

4  Except for a Class B felony, a Class C felony, or a crime described in s. 301.45 (1d) (b),

5  the term of extended supervision may not be less than 25 percent nor more 75 percent

6  of the length of the term of confinement in prison imposed under par. (b). For a Class

7  B felony, a Class C felony, or a crime described in s. 301.45 (1d) (b), the term of

8  extended supervision may not be less than 25 percent of the term of confinement in

9  prison imposed under par. (b) and is subject to whichever of the following limits is

10  applicable:

11  **SECTION 2. Initial applicability.**

1        (1)  This act first applies to a person sentenced for a crime committed on the

2    effective date of this subsection.

3                                    **(END)**