

**OUTAGAMIE COUNTY BOARD MEETING
AUGUST 8, 2017**

RESOLUTION NO. 46—2017-18

Supervisor T. Krueger moved, seconded by Supervisor Patience, for adoption.

RESOLUTION NO. 46—2017-18 IS ADOPTED.

RollCall-Pro Advanced Tuesday, August 8, 2017					
1. THOMPSON	YES	13. WEGAND	Absent	25. NOOYEN	YES
2. MILLER	YES	14. DE GROOT	YES	26. DUNCAN	YES
3. GRADY	YES	15. VANDEN HEUVEL	Absent	27. CULBERTSON	YES
4. PATIENCE	YES	16. LEMANSKI	Absent	28. STURN	YES
5. GABRIELSON	YES	17. CROATT	YES	29. BUCHMAN	YES
6. FOSS	YES	18. SPEARS	YES	30. GRIESBACH	YES
7. HAMMEN	YES	19. STUECK	YES	31. CLEGG	YES
8. T. KRUEGER	YES	20. THOMAS	YES	32. VANDERHEIDEN	YES
9. J. KRUEGER	YES	21. THYSSEN	YES	O'CONNOR-SCHEVERS	YES
10. LAMERS	YES	22. HAGEN	YES	34. RETTLER	Absent
11. MEYER	Absent	23. KLEMP	Absent	35. MELCHERT	YES
12. McDANIEL	YES	24. PLEUSS	YES	36. SUPRISE	YES
Item 27		Passed (30 Y - 0 N - 0 A - 6 Absent)			Majority Vote >

RESOLUTION NO.: 46—2017-18

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 Legislation has been introduced to amend the state statutes to require the Department of
2 Corrections (DOC) to recommend revoking a person's extended supervision, parole or
3 probation if the person is charged with a crime while on extended supervision, parole, or
4 probation. This legislation, as drafted, could result in predictable unjust outcomes
5 causing increased incarceration at an increased cost to the state and counties. The DOC
6 estimates this legislation could result in an increase of 5,570 revocation cases each year.
7 This means 5,570 more individuals would be occupying county jails without
8 reimbursement from the DOC. Essentially this bill is an unfunded mandate to Wisconsin
9 county jails. In addition, it is estimated that this bill could result in increased operations
10 costs (excluding possible construction costs) to the DOC of \$51.9 million during the first
11 year of enactment and permanent increased operations costs of approximately \$149.3
12 million after the population is annualized during the second year of enactment.
13

14 NOW THEREFORE, the undersigned members of the Public Safety Committee recommend
15 adoption of the following resolution.

16 BE IT RESOLVED, that the Outagamie County Board of Supervisors does oppose any
17 legislation that automatically revokes a person's probation if that person is charged with a crime, and

18 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
19 of this resolution to the Outagamie County Executive, all Wisconsin counties, and the Outagamie
20 County Lobbyist for distribution to the Governor and the Legislature.

21 Dated this 8th day of August 2017

22 Respectfully Submitted,

23 PUBLIC SAFETY COMMITTEE
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29 _____
30 James Duncan

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32 _____
33 Lee W. Hammen

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Katrin Patience
Katrin Patience

Tony Krueger
Tony Krueger

Mike Thomas
Mike Thomas

Duly and officially adopted by the County Board on: August 8, 2017

Signed: [Signature]
Board Chairperson

[Signature]
County Clerk

Approved: 8.9.17

Vetoed: _____

Signed: [Signature]
County Executive



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0448/1
CMH:kjf

2017 SENATE BILL 54

February 21, 2017 - Introduced by Senators VUKMIR, CRAIG, FEYEN, NASS and STROEBEL, cosponsored by Representatives SANFELIPPO, KLEEFISCH, JACQUE, HORLACHER, MURPHY, DUCHOW, TUSLER, GANNON, KNODL, OTT, KREMER, TITTL, SPIROS, SKOWRONSKI and ALLEN. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 302.113 (8m) (a), 302.114 (8m) (a), 304.06 (3) and 973.10 (2)
2 (intro.) of the statutes; **relating to:** recommendation to revoke parole,
3 probation, and extended supervision if a person is charged with a crime.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Corrections to recommend revoking a person's extended supervision, parole, or probation if the person is charged with a crime while on extended supervision, parole, or probation.

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

4 **SECTION 1.** 302.113 (8m) (a) of the statutes is amended to read:
5 302.113 (8m) (a) Every person released to extended supervision under this
6 section remains in the legal custody of the department. If the department alleges
7 that any condition or rule of extended supervision has been violated by the person,
8 the department may take physical custody of the person for the investigation of the

2017 - 2018 Legislature

- 2 -

LRB-0448/1

CMH:kjf

SENATE BILL 54

SECTION 1

1 alleged violation. If the person is charged with a crime, the department shall
2 recommend that the person's extended supervision be revoked.

3 **SECTION 2.** 302.114 (8m) (a) of the statutes is amended to read:

4 302.114 (8m) (a) Every person released to extended supervision under this
5 section remains in the legal custody of the department. If the department alleges
6 that any condition or rule of extended supervision has been violated by the person,
7 the department may take physical custody of the person for the investigation of the
8 alleged violation. If the person is charged with a crime, the department shall
9 recommend that the person's extended supervision be revoked.

10 **SECTION 3.** 304.06 (3) of the statutes is amended to read:

11 304.06 (3) Every paroled prisoner remains in the legal custody of the
12 department unless otherwise provided by the department. If the department alleges
13 that any condition or rule of parole has been violated by the prisoner, the department
14 may take physical custody of the prisoner for the investigation of the alleged
15 violation. If the department is satisfied that any condition or rule of parole has been
16 violated it shall afford the prisoner such administrative hearings as are required by
17 law. If the person is charged with a crime, the department shall recommend that the
18 person's parole be revoked. Unless waived by the parolee, the final administrative
19 hearing shall be held before a hearing examiner from the division of hearings and
20 appeals in the department of administration who is licensed to practice law in this
21 state. The hearing examiner shall enter an order revoking or not revoking parole.
22 Upon request by either party, the administrator of the division of hearings and
23 appeals shall review the order. The hearing examiner may order that a deposition
24 be taken by audiovisual means and allow the use of a recorded deposition under s.
25 967.04 (7) to (10). If the parolee waives the final administrative hearing, the

2017 - 2018 Legislature

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LRB-0448/1

CMH:kjf

SENATE BILL 54

SECTION 3

1 secretary of corrections shall enter an order revoking or not revoking parole. If the
2 examiner, the administrator upon review, or the secretary in the case of a waiver
3 finds that the prisoner has violated the rules or conditions of parole, the examiner,
4 the administrator upon review, or the secretary in the case of a waiver, may order the
5 prisoner returned to prison to continue serving his or her sentence, or to continue on
6 parole. If the prisoner claims or appears to be indigent, the department shall refer
7 the prisoner to the authority for indigency determinations specified under s. 977.07
8 (1).

9 **SECTION 4.** 973.10 (2) (intro.) of the statutes is amended to read:

10 973.10 (2) (intro.) If a probationer violates the conditions of probation, the
11 department of corrections may initiate a proceeding before the division of hearings
12 and appeals in the department of administration. If the person is charged with a
13 crime, the department shall recommend that the person's probation be revoked.
14 Unless waived by the probationer, a hearing examiner for the division shall conduct
15 an administrative hearing and enter an order either revoking or not revoking
16 probation. Upon request of either party, the administrator of the division shall
17 review the order. If the probationer waives the final administrative hearing, the
18 secretary of corrections shall enter an order either revoking or not revoking
19 probation. If probation is revoked, the department shall:

20 **SECTION 5. Initial applicability.**

21 (1) This act first applies to charges that are filed on the effective date of this
22 subsection.

23

(END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1922/1
CMH:kjf

2017 ASSEMBLY BILL 94

February 24, 2017 - Introduced by Representatives SANFELIPPO, KLEEFISCH, JACQUE, HORLACHER, MURPHY, DUCHOW, TUSLER, GANNON, KNODL, OTT, KREMER, TITTL, SPIROS, SKOWRONSKI and ALLEN, cosponsored by Senators VUKMIR, CRAIG, FEYEN, NASS and STROEBEL. Referred to Committee on Corrections.

1 **AN ACT to amend** 302.113 (8m) (a), 302.114 (8m) (a), 304.06 (3) and 973.10 (2)
2 (intro.) of the statutes; **relating to:** recommendation to revoke parole,
3 probation, and extended supervision if a person is charged with a crime.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Corrections to recommend revoking a person's extended supervision, parole, or probation if the person is charged with a crime while on extended supervision, parole, or probation.

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

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5 302.113 (8m) (a) Every person released to extended supervision under this
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7 that any condition or rule of extended supervision has been violated by the person,
8 the department may take physical custody of the person for the investigation of the

2017 - 2018 Legislature

- 2 -

LRB-1922/1

CMH:kjf

ASSEMBLY BILL 94

SECTION 1

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15 violation. If the department is satisfied that any condition or rule of parole has been
16 violated it shall afford the prisoner such administrative hearings as are required by
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18 person's parole be revoked. Unless waived by the parolee, the final administrative
19 hearing shall be held before a hearing examiner from the division of hearings and
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21 state. The hearing examiner shall enter an order revoking or not revoking parole.
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2017 - 2018 Legislature

- 3 -

LRB-1922/1

CMH:kjf

ASSEMBLY BILL 94

SECTION 3

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 2 examiner, the administrator upon review, or the secretary in the case of a waiver
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 8 (1).

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 14 Unless waived by the probationer, a hearing examiner for the division shall conduct
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 16 probation. Upon request of either party, the administrator of the division shall
 17 review the order. If the probationer waives the final administrative hearing, the
 18 secretary of corrections shall enter an order either revoking or not revoking
 19 probation. If probation is revoked, the department shall:

20 **SECTION 5. Initial applicability.**

21 (1) This act first applies to charges that are filed on the effective date of this
 22 subsection.

23

(END)