RESOLUTION NO. 46—2017-18
Supervisor T. Krueger moved, seconded by Supervisor Patience, for adoption.

RESOLUTION NO. 46—2017-18 IS ADOPTED.

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<tbody>
<tr>
<td>5. Gabrielson</td>
<td>YES</td>
<td></td>
<td>17. Croatt</td>
<td>YES</td>
<td>29. Buchman</td>
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<td>8. T. Krueger</td>
<td>YES</td>
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<td>20. Thomas</td>
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<td>32. Vanderheiden</td>
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<td>10. Lamers</td>
<td>YES</td>
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<td>22. Hager</td>
<td>YES</td>
<td>34. Rettler</td>
<td>Absent</td>
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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:

LEGISLATION has been introduced to amend the state statutes to require the Department of Corrections (DOC) 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. This legislation, as drafted, could result in predictable unjust outcomes causing increased incarceration at an increased cost to the state and counties. The DOC estimates this legislation could result in an increase of 5,570 revocation cases each year. This means 5,570 more individuals would be occupying county jails without reimbursement from the DOC. Essentially this bill is an unfunded mandate to Wisconsin county jails. In addition, it is estimated that this bill could result in increased operations costs (excluding possible construction costs) to the DOC of $51.9 million during the first year of enactment and permanent increased operations costs of approximately $149.3 million after the population is annualized during the second year of enactment.

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

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

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

Dated this 8th day of August 2017

Respectfully Submitted,

PUBLIC SAFETY COMMITTEE

James Duncan

Lee W. Hammen
Resolution No. 46--2017-18

Katrin Patience

Tony Kwegan

Mike Thomas

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

Signed: Board Chairperson

County Clerk

Approved: 8.9.17

Vetoed: 

Signed: County Executive
AN ACT to amend 302.113 (8m) (a), 302.114 (8m) (a), 304.06 (3) and 973.10 (2)

(intro.) of the statutes; relating to: recommendation to revoke parole, 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:

SECTION 1. 302.113 (8m) (a) of the statutes is amended to read:

302.113 (8m) (a) Every person released to extended supervision under this section remains in the legal custody of the department. If the department alleges that any condition or rule of extended supervision has been violated by the person, the department may take physical custody of the person for the investigation of the
alleged violation. If the person is charged with a crime, the department shall
recommend that the person's extended supervision be revoked.

SECTION 2. 302.114 (8m) (a) of the statutes is amended to read:
302.114 (8m) (a) Every person released to extended supervision under this
section remains in the legal custody of the department. If the department alleges
that any condition or rule of extended supervision has been violated by the person,
the department may take physical custody of the person for the investigation of the
alleged violation. If the person is charged with a crime, the department shall
recommend that the person's extended supervision be revoked.

SECTION 3. 304.06 (3) of the statutes is amended to read:
304.06 (3) Every paroled prisoner remains in the legal custody of the
department unless otherwise provided by the department. If the department alleges
that any condition or rule of parole has been violated by the prisoner, the department
may take physical custody of the prisoner for the investigation of the alleged
violation. If the department is satisfied that any condition or rule of parole has been
violated it shall afford the prisoner such administrative hearings as are required by
law. If the person is charged with a crime, the department shall recommend that the
person's parole be revoked. Unless waived by the parolee, the final administrative
hearing shall be held before a hearing examiner from the division of hearings and
appeals in the department of administration who is licensed to practice law in this
state. The hearing examiner shall enter an order revoking or not revoking parole.

Upon request by either party, the administrator of the division of hearings and
appeals shall review the order. The hearing examiner may order that a deposition
be taken by audiovisual means and allow the use of a recorded deposition under s.
967.04 (7) to (10). If the parolee waives the final administrative hearing, the
secretary of corrections shall enter an order revoking or not revoking parole. If the
examiner, the administrator upon review, or the secretary in the case of a waiver
finds that the prisoner has violated the rules or conditions of parole, the examiner,
the administrator upon review, or the secretary in the case of a waiver, may order the
prisoner returned to prison to continue serving his or her sentence, or to continue on
parole. If the prisoner claims or appears to be indigent, the department shall refer
the prisoner to the authority for indigency determinations specified under s. 977.07
(1).

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

973.10 (2) (intro.) If a probationer violates the conditions of probation, the
department of corrections may initiate a proceeding before the division of hearings
and appeals in the department of administration. If the person is charged with a
crime, the department shall recommend that the person's probation be revoked.

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

SECTION 5. Initial applicability.

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

(END)
2017 ASSEMBLY BILL 94

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

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

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