



Legislative Briefs

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TRUTH-IN-SENTENCING

1997 Wisconsin Act 283, passed by the legislature and signed by Governor Tommy Thompson to take effect on June 30, 1998, increases maximum sentences for felony convictions and changes the sentencing structure, including the elimination of parole. Popularly termed "truth-in-sentencing", the law applies to crimes committed on or after December 31, 1999.

FELONY PENALTIES

In Wisconsin, a felony is a crime punishable by imprisonment of more than one year in the state's prison system. Felonies in the criminal code are divided into six classes (Class A, B, BC, C, D or E). Class A felonies, which are punishable by life sentences, are discussed in more detail below. This act increases the length of sentences for the other classes of felonies for offenses committed on or after December 31, 1999.

Felony Class	Offenses before 12/31/99		Offenses 12/31/99 and later	
	Maximum Sentence	Mandatory Release	Maximum Sentence	Maximum Prison Time
Class B	40 years	2/3 of sentence	60 years	40 years
Class BC	20 years	2/3 of sentence	30 years	20 years
Class C	10 years	2/3 of sentence	15 years	10 years
Class D	5 years	2/3 of sentence	10 years	5 years
Class E	2 years	2/3 of sentence	5 years	2 years

The act also increases the maximum term of imprisonment for felonies which are not classified (crimes involving controlled substances, motor vehicles, etc.) by 50% or one year, whichever is greater.

SENTENCES FOR FELONY OFFENSES

Under current law, the court sets a term of imprisonment. When the prisoner reaches parole eligibility, generally after serving 25% of a sentence, the state Parole Commission may release the person to parole.

Under Act 283 (introduced as 1997 Assembly Bill 351), a sentence for a criminal felony committed on or after December 31, 1999, will be split into two parts ("a bifurcated sentence") that include prison confinement followed by extended supervision in the community. The offender is not eligible for parole.

A bifurcated sentence is determined as follows:

1. The total length of the bifurcated sentence cannot exceed the maximum sentence allowable for the felony.

2. The court must set a definite term of confinement for the prison portion of the sentence which must be at least one year long but not more than the specified prison maximum. If the sentence is for a felony that is not in one of the specified classes, the prison portion of the sen-

tence must be at least one year but not more than 75% of the total length of the bifurcated sentence.

3. The court must set a term of extended supervision which, at minimum, must equal at least 25% of the length of the term of confinement in prison.

The Department of Corrections (DOC) administers extended supervision. A person on extended supervision is subject to conditions set by both the court and the department. A person who violates a condition of extended supervision may be returned to serve the remaining part of the sentence in prison.

LIFE SENTENCES

In the case of Class A felonies, which carry life sentences, there is no provision for parole. Instead, the judge will do one of the following: 1) determine that the person is eligible for extended supervision after serving 20 years; 2) set a date beyond 20 years on which the person becomes eligible for extended supervision; or 3) deny extended supervision. In the case of a life sentence, extended supervision covers the remainder of a person's life after release from prison, and the person may be returned to prison if he or she violates a condition of extended supervision. (Act 283 does not affect persons sentenced to life imprisonment without the possibility of parole under the "three strikes and you're out" law.)

STUDY COMMITTEE

Act 283 creates an 18-member Criminal Penalties Study Committee, composed of two judges, the attorney general, the majority and minority leaders in each legislative house, the Secretary of Corrections, law school faculty members from the UW-Madison and Marquette University Law School, a district attorney, the state public defender, a representative of crime victims, a member of the criminal law section of the State Bar, a representative of state law enforcement agencies, and three public members. *Ex officio* members may select designees to represent them on the committee.

The committee is to make recommendations regarding creating a uniform classification system for all felonies, including felonies outside the criminal code; classifying felonies and Class A misdemeanors so that crimes of similar severity are in the same classification, consolidating all felonies into a single criminal code; creation of a sentencing commission; sentencing guidelines; and DOC rules. The committee is to report by April 30, 1999.

CHILD ABUSE FUNDS

Act 283 requires the Department of Health and Family Services to submit a request in each biennial budget for funding for child abuse prevention efforts equal to at least 1% of the total proposed budget of DOC for that biennium.

FOR MORE INFORMATION

For copies of 1997 Wisconsin Act 283, contact the Legislative Reference Bureau at (608) 266-0342. Acts can be downloaded from the legislature's website at <http://www.legis.state.wi.us/billtrack.html>.

*The Criminal Penalties Study Committee is to report by April 30, 1999, not March 1, as originally published.