



JUSTICE REINVESTMENT IN WISCONSIN

Analyses & Policy Options to Reduce Spending on Corrections and Increase Public Safety



Background

IN 2008, GOVERNOR JAMES DOYLE, Chief Justice Shirley Abrahamson, Senate President Fred Risser, and then Assembly Speaker Michael Huebsch requested technical assistance from the Council of State Governments Justice Center (“Justice Center”) to help develop a statewide policy framework to reduce spending on corrections and reinvest in strategies to increase public safety in Wisconsin.

The Justice Center is a national, nonpartisan organization that works with state policymakers to analyze data and develop fiscally sound, data-driven strategies. Assistance is made possible through funding support provided by the Bureau of Justice Assistance, a component of the U.S. Department of Justice, the Public Safety Performance Project of The Pew Charitable Trusts’ Center on the States, and the State of Wisconsin.

In January 2009, the Wisconsin Legislative Council established the Special Committee on Justice Reinvestment Oversight, a bipartisan, bicameral, and inter-branch advisory group to guide the Justice Center’s analyses of the state’s criminal justice system and development of policy options. Over the next four months, the committee met with the Justice Center to review analyses of the state’s criminal justice system, examining areas such as crime, arrests, prison admissions, length of confinement and supervision time, probation and post-release supervision populations, recidivism rates, and behavioral health and unemployment.

This policy brief summarizes the analyses conducted by the Justice Center and provides state policymakers with a data-driven policy framework designed to achieve the goals established by the committee: reduce spending on corrections and reinvest in strategies to increase public safety in Wisconsin.

Analyses

I. Crime Trends and the Prison Population

Crime Trends

- Between 2000 and 2007, Wisconsin's violent crime rate increased 23 percent.¹
- A disproportionate share of the state's violent crime takes place in Milwaukee: in 2007, although

16 percent of the state population lived in Milwaukee, the city reported over half (55 percent) of the state's violent crime.²

- In Milwaukee, violent crime is concentrated in specific neighborhoods. In Aldermanic District 15, the violent crime rate is 81 per 1,000 residents, which is 10 times higher than the violent crime rate in District 11, where the city's violent crime rate, 8 per 1,000 residents, is the lowest.³

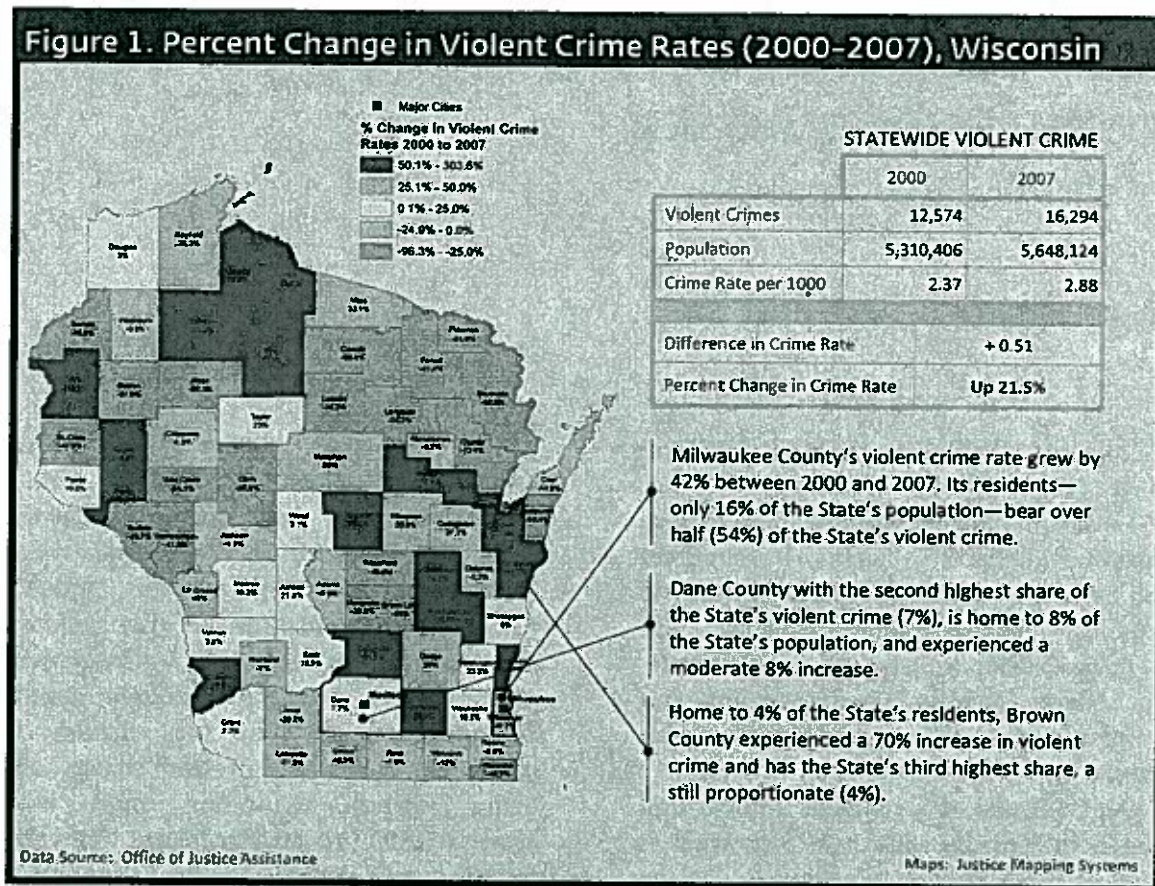


Table 1. Crime Trends in Wisconsin, Other Midwestern States, and the Nation (2000 and 2007)

	VIOLENT CRIME RATE (PER 100,000 RESIDENTS)		PERCENT CHANGE
	2000	2007	
Wisconsin	237	291	23%
Minnesota	281	289	3%
Michigan	555	536	-3%
Nationwide	506	467	-8%

1. Data submitted by Wisconsin Office of Justice Assistance. Internal analysis by Council of State Governments Justice Center (March 2009).

2. Ibid.
3. Ibid.

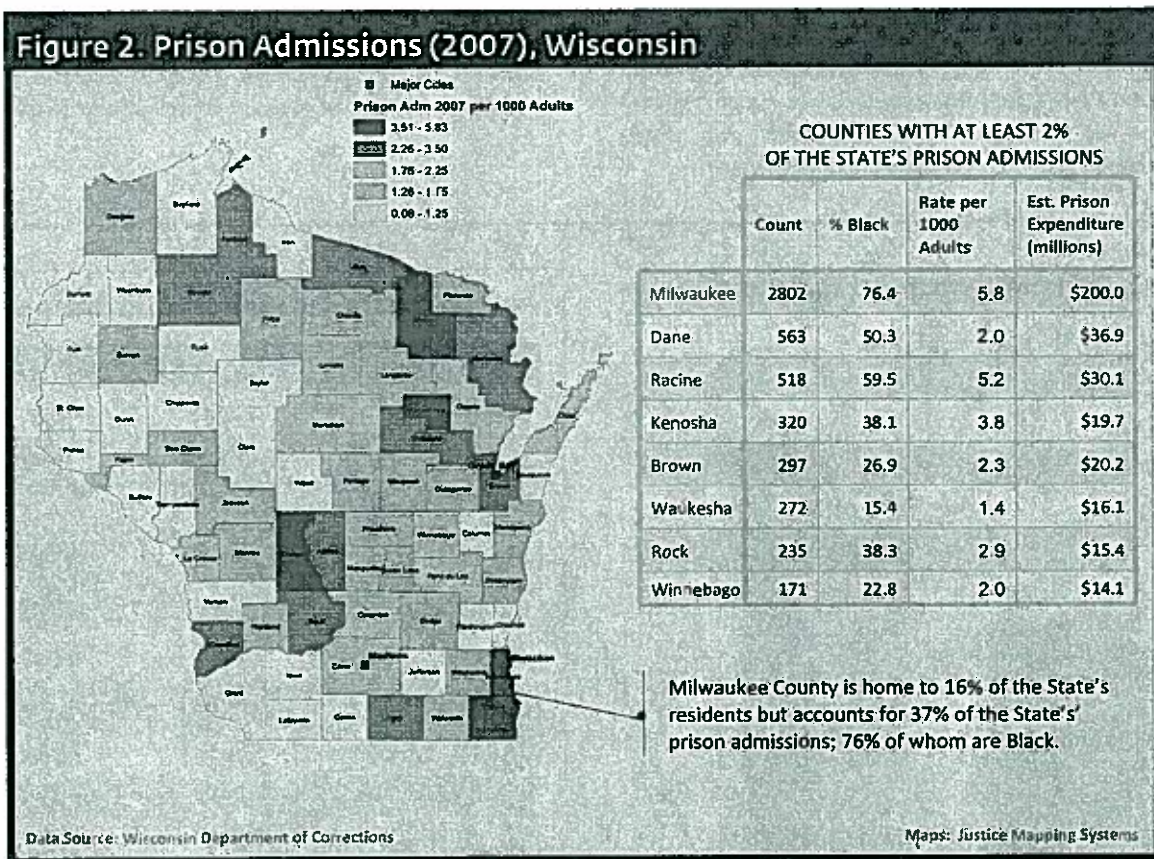
- In 2007, Wisconsin's violent crime rate was lower than the national violent crime rate and was comparable to the violent crime rate in Minnesota, where the demographics are similar to Wisconsin.⁴

Historical and Projected Growth in the Prison Population

- Between 2000 and 2007, Wisconsin's prison population increased 14 percent.⁵
- From 2008 to 2019, the state prison population is projected to grow from 22,500 to 28,019, an increase of 25 percent.⁶
- Between 2009 and 2019, according to the Wisconsin Department of Corrections (DOC), it is estimated to cost Wisconsin \$2.5 billion to reduce overcrowding in the prison system and accommo-

date the projected growth in the prison population. This estimate comprises \$1.4 billion in new construction costs and \$1.1 billion in new cumulative operating costs over that 10-year period.⁷

- Admissions to state prison disproportionately come from the state's urban areas: in 2007, for example, Milwaukee County accounted for 37 percent of state prison admissions. The total estimated annual cost of incarcerating people from this county was \$200 million.⁸
- Prison admissions from the City of Milwaukee are tightly concentrated in a few districts: 12 percent of the city's population resides in Aldermanic Districts 15 and 6, but these districts together account for approximately 31 percent of the city's prison admissions.⁹



4. U.S. Department of Justice, Federal Bureau of Investigation. *Crime in the United States, 2000* (September 2001). Retrieved February 10, 2009, from <http://www.fbi.gov/ucr/00cius.htm>; U.S. Department of Justice, Federal Bureau of Investigation. *Crime in the United States, 2007* (September 2008). Retrieved February 10, 2009, from <http://www.fbi.gov/ucr/cius2007/index.html>.

5. Wisconsin Department of Corrections. "Depot Update through 2007" (as of October 16, 2008). Internal analysis by Council of State Governments Justice Center (February 2009).

6. Naro Ware, Wendy, James Austin, and Roger Ocker. JFA Institute. *Wisconsin Department of Corrections Ten-Year Prison Population Projections: 2009-2019*, March 2009; Huck, Jennifer, Richelle Winkler, and Paul Voss. Applied Population Laboratory. *University of Wisconsin-Madison, Wisconsin Offender Projections, Department of Corrections, State of Wisconsin*, February 2008.

7. Based on Wisconsin Department of Corrections budget estimates.

8. Data submitted by the Wisconsin Department of Corrections. Internal analysis performed by Justice Mapping Center.

9. *Ibid.*

II. Drivers of Prison Population Growth¹⁰

Revocations

- Between 2000 and 2007, the number of people admitted to prison who did not comply with the conditions of their community supervision increased 40 percent. The number of people admitted to prison who committed new offenses, however, decreased 11 percent.
- At the end of 2007, more than half (55 percent) of the people incarcerated in state prison were there because they had failed to comply with the conditions of community supervision or because they had committed a new crime while under supervision.

Costs of Revocation

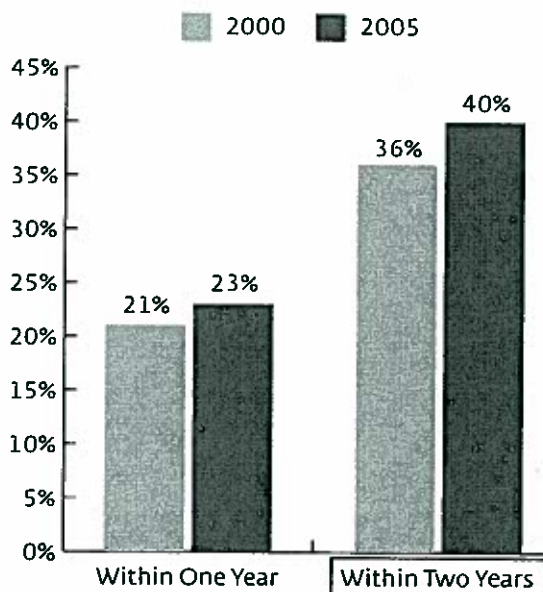
- In 2007, the state spent an estimated \$285 million to incarcerate people revoked from supervision with no new sentence (e.g. probation, extended supervision, parole, and mandatory release).

- In 2007, the average length of stay in prison for a person revoked from extended supervision with no new prison sentence was 18 months. Based on 2007 figures, incarcerating this population incurred an estimated \$99 million in annual costs to the state.

Recidivism

- Forty percent of people released from prison in 2005 were re-incarcerated in state prison within two years. This recidivism figure reflects an 11 percent increase above the percentage of people re-incarcerated within two years of release from prison in 2000.
- Recidivism rates were highest for the youngest people released from state prison. Fifty-five percent of people age 17-21 released from prison in 2005 were re-incarcerated within two years. This recidivism figure reflects a 45 percent increase above the percentage of people re-incarcerated within two years of release from prison in 2000.

Figure 3. Percent Returned to Prison



Percent Returned to Prison Within Two Years

	2000	2005
Male	37%	41%
Female	23%	29%
Age at release		
17-21 (443)	38%	55%
21-25 (1,574)	34%	45%
25-30 (1,750)	35%	41%
30-35 (1,356)	39%	40%
35-40 (1,203)	37%	42%
40-50 (1,995)	33%	36%
50-60 (517)	22%	29%
60+ (109)	8%	17%

10. Unless otherwise cited, data presented in Section II were submitted by the Wisconsin Department of Corrections and analyzed by the Justice Center.

Truth in Sentencing in Wisconsin¹¹

IN RECENT YEARS, the state has made significant changes to its sentencing structure. Offenses committed on or after December 31, 1999 were no longer eligible for indeterminate sentencing: discretionary parole, good time credits, and mandatory release were eliminated.

Determinate sentencing has since been applied to offenses committed on or after December 31, 1999. All persons sentenced to felonies are now assigned a bifurcated sentence consisting of a term of confinement in prison followed by a period of extended supervision (ES) in the community. ES terms must be at least 25 percent of the confinement time ordered. For individuals whose ES is revoked, prior successful time spent in the community does not count toward the completion of the overall sentence.

Offenses committed on or after February 1, 2003 are subject to modifications made to Wisconsin's determinate sentencing structure, including the authorization of certain people in prison to petition the court for sentence modification and the subsequent creation of the Earned Release Program.

III. Community Supervision¹²

Length of Supervision

- Between 2000 and 2007, the average period of post-release community supervision to be served for individuals receiving a new prison sentence more than doubled, increasing from 23 to 54 months.
- The average confinement period also increased, albeit by a smaller margin, from 31 to 40 months.

Concentrations of People Under Community Supervision

- In the 15th and 6th Milwaukee Aldermanic Districts, respectively, 13 percent and 11 percent of adults are under a form of community supervision (i.e. probation, extended supervision, parole, or mandatory release).¹³

Mental Health

- In 2007, 10 percent of people admitted to prison were assessed as having a serious mental health disorder; an additional 21 percent were assessed as having some mental health need.
- Forty-six percent of people with serious mental illness who were released to the community in 2005 were re-incarcerated within two years. That recidivism rate is higher than the recidivism rate for the overall prison population (40 percent).
- Wisconsin law enforcement executives have described concerns about the lack of booking alternatives in their jurisdictions for people with mental illness.¹⁴
- Although screening and assessment for mental health needs occurs in some parts of the criminal justice system (jail, court, prison, and community supervision), the processes are not always consistent and compatible across the system.

11. Carmichael, Christina. "Felony Sentencing and Probation," Legislative Fiscal Bureau, Informational Paper 56, January 2007.

12. Unless otherwise cited, data presented in Section III were submitted by the Wisconsin Department of Corrections and analyzed by the Justice Center.

13. Wisconsin Department of Corrections

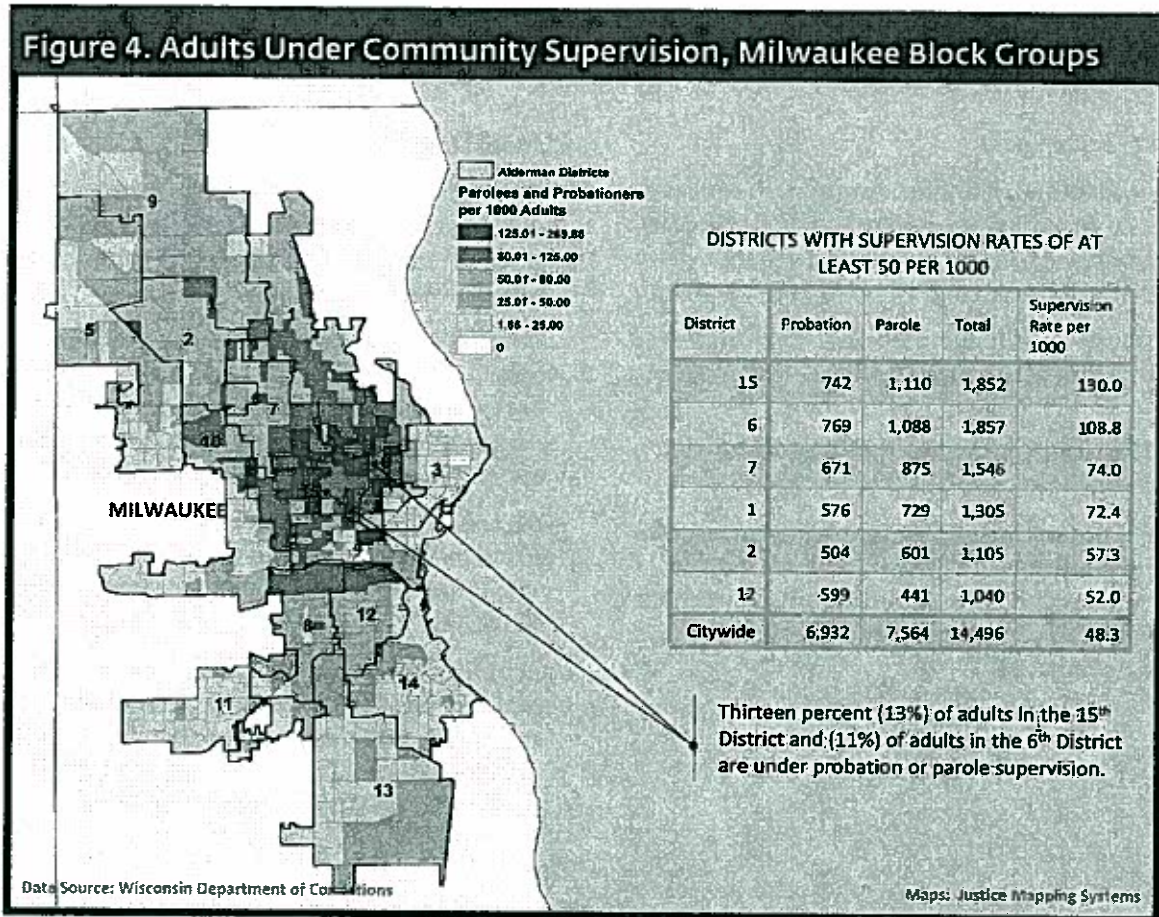
14. The Justice Center assisted Madison Police Chief Noble Wray and Milwaukee Police Chief Edward Flynn with the organization of two regional law enforcement focus groups, held respectively on March 9 and March 10, 2009.

Substance Abuse

- In 2007, 38 percent of people whose community supervision was revoked reported frequent drug use and an additional 39 percent reported some drug use.
- Screening and assessment of substance abuse treatment needs among the criminal justice population is inconsistent and insufficient to ensure that offenders receive the right level of substance abuse treatment in the community.

Employment

- In 2007, 68 percent of people whose post-release supervision was revoked were unemployed at the time of revocation.
- Milwaukee's 15th and 6th Aldermanic Districts, which receive more people released from prison than any other district in the city, have high unemployment rates: 19 percent in the 15th district and 18 percent in the 6th district.
- Data from 2007 suggest that an estimated 12,000 Wisconsin residents who have been released from prison are unemployed, although state-funded programming to connect people on community supervision with transitional employment, on-the-job training, and placement is below the capacity needed.



15. Unless otherwise cited, data presented in Section IV were submitted by the Wisconsin Department of Corrections and analyzed by the Justice Center.

IV. Effective Assessment and Evaluation¹⁵

Assessment at the Pre-Sentencing Level

- The Assess, Inform, Measure (AIM) project, currently piloted in six Wisconsin counties, provides the sentencing court with a risk and needs assessment. Currently, the reliability and type of information available to the court is limited.¹⁶

Quality of Community-Based Programs

- Between 2004 and 2009, the state increased funding available for community-based programs for people on community supervision from \$19 million to \$27.5 million, a 45 percent increase.
- No system exists to monitor program quality, track levels of participation and program completion, or measure outcomes.

- With only 2.2 full-time equivalent positions overseeing these funds, the state's ability to effectively target resources according to a systematic assessment of the supervised population's risk and needs is hindered.

DOC Research Capacity

- Although the Wisconsin DOC collects a significant amount of data, the agency lacks the research and program evaluation capacity necessary to analyze these data and to provide user-friendly reports to inform major policy and funding decisions.

16. Wisconsin Court System, "Court Programs: Effective Justice Strategies," <<http://www.wicourts.gov/about/organization/programs/alternatives.htm>>.

Policy Framework to Reduce Spending on Corrections & Increase Public Safety

POLICY OPTION	DETAILS
Target Resources	
1. Focus Supervision Resources	<ul style="list-style-type: none"> • Limit the length of extended supervision (ES) imposed at sentencing to no more than 75 percent of the length of confinement time. • Exclude sex offenders and Class A–C offenders from this change in policy. • Ensure that community supervision resources are focused on the initial months and year of supervision, when the risk of recidivism is the highest and the potential to increase public safety is the greatest. • Balance this limit on ES time with the need to ensure an adequate period of time to collect victim restitution. • Apply this policy change only to offenders sentenced on or after the enactment date.
2. Reallocate Revocation Expenditures to Community-Based Strategies	<ul style="list-style-type: none"> • Reduce resources currently allocated to incarcerate people revoked from extended supervision with no new sentence and expand community-based mental health and employment strategies. • Establish a swift and certain reconfinement period of 6 months for people whose extended supervision has been revoked but who have not been convicted of committing a new crime. <i>(A set reconfinement period eliminates the need for reconfinement hearings and would reduce jail, prosecutor, public defender and court time currently consumed with the reconfinement hearing process.)</i> • Allow the Department of Corrections to hold an offender up to 90 days beyond the 6 month reconfinement period (i.e., 9 months total) for institutional infractions or failure to participate in required programs. • Expand community-based mental health services for people released from prison on to ES who have a serious mental illness and pose a high risk to public safety. • Expand the state’s transitional employment and job placement services for people on community supervision.

Change Behavior**3. Create Sentencing Option to Reduce Risk Prior to Release**

- Provide the court with a sentencing option that creates an incentive for an offender to complete programs prior to release while adhering to the principles of Wisconsin's truth-in-sentencing system.
- Provide the court with the ability to impose a period of risk reduction time to be established at 75 percent of the amount of confinement time ordered. Establishing the length of risk reduction time in this way and at sentencing provides greater certainty about the amount of time to be served.
- If the offender successfully completes one or more programs required by the Department of Corrections, corresponding to the assessment conducted, and demonstrates satisfactory institutional behavior, he or she will serve the risk reduction time ordered. If the offender does not successfully complete the required programs, he or she will serve the total amount of confinement time ordered.
- Require the Department of Corrections to complete a comprehensive and validated risk/needs assessment for each offender admitted with the risk reduction option. After determining which programs the offender will be required to complete, the Department of Corrections shall notify the sentencing judge of the results of the assessment and required programs.
- Require that the Department of Corrections assess the quality of programs available to offenders with the risk reduction option. Require at least 75 percent of those programs to be certified as evidence-based programs by 2011.

4. Set Recidivism Reduction Goal

- Establish a statewide goal of reducing recidivism rates for people on probation and released from prison by 25 percent from 2008 levels by 2011. Measure the reduction in revocations to prison, re-conviction rates, and re-arrest rates by people on probation and post-release supervision.
- Improve assessment processes, align supervision resources according to risk and needs, connect offenders to the right services to reduce violations, and tailor responses to violations to improve compliance.
- Expand the capacity of substance abuse treatment, day reporting centers, and other sanctions and services.

5. Coordination & Evaluation

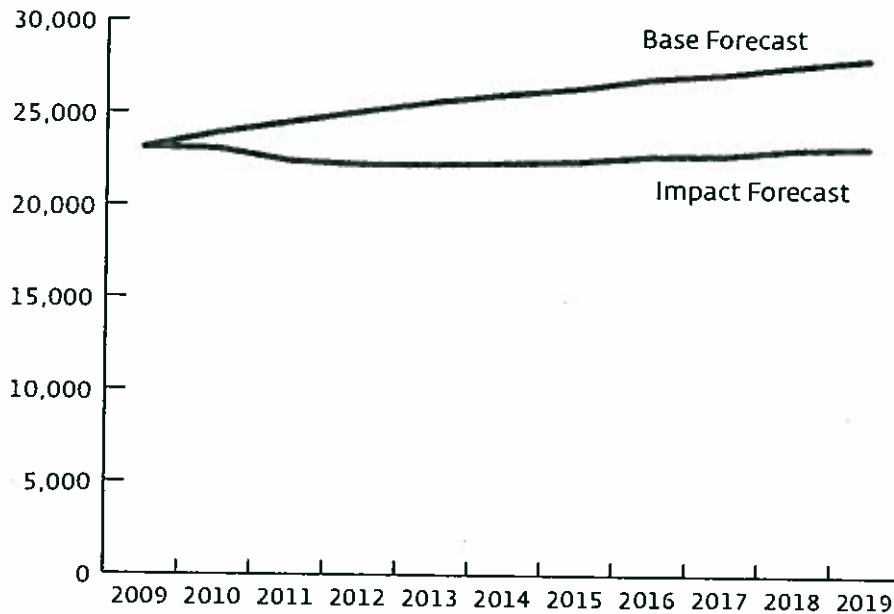
- Charge a state agency, independent body, or outside organization with periodically assessing the implementation progress, the fiscal and public safety impact of these policies on various components of the state's overall criminal justice system, and the outcomes for people released from prison and under community supervision and the communities where they return.

Combined Impact of the Policy Options

The following analysis projects the impact of the policy options on the baseline prison population projection. The baseline prison population projection was conducted by the JFA Institute using a microsimulation model that assumes no changes to current trends in prison admissions or to the crim-

inal code. Averted costs are based on the Wisconsin Department of Corrections' estimates of cumulative construction and operating costs to accommodate the projected growth in the prison population during the time periods indicated below.

JFA Prison Population Projection Versus Estimated Combined Impact of Policy Options



	BASE FORECAST	IMPACT FORECAST
2009	23,125	23,125
2010	23,904	23,059
2011	24,499	22,405
2012	25,082	22,227
2013	25,622	22,233
2014	26,042	22,316
2015	26,404	22,426
2016	26,926	22,734
2017	27,200	22,774
2018	27,645	23,139
2019	28,019	23,217

Averted Costs & Reinvestment Analysis

YEAR	FY2010-2011	FY2012-2013	FY2014-2015	FY2016-2017	FY2018-2019	10 YEAR TOTAL
Averted Costs	\$242,552,100	\$418,264,000	\$462,181,000	\$400,500,200	\$942,817,800	\$2,466,315,100
Reinvestment	\$30,000,000	\$30,000,000	\$30,000,000	\$30,000,000	\$30,000,000	\$150,000,000
Total Averted Costs	\$212,552,100	\$388,264,000	\$432,181,000	\$370,500,200	\$912,817,800	\$2,316,315,100

Reinvestment Detail

REINVESTMENT DETAIL	FISCAL BIENNIUM TOTAL
<p>Community-Based Mental Health Care for High Risk Individuals Placed on Extended Supervision</p> <ul style="list-style-type: none"> • Target high-risk, high-need individuals released from prison with serious mental illnesses and enroll as many as possible in Medicaid upon release. • Supplement existing resources with state funding to cover about 40 percent of mental health service costs for Medicaid enrolled target population and leverage federal funding to cover the remaining 60 percent of service cost; funding would cover all service costs for non-Medicaid enrolled individuals in target population. 	<p>\$8,000,000</p> <p><i>(The above state funding would leverage \$3,171,000 in federal Medicaid resources.)</i></p>
<p>Targeted Efforts to Reduce Unemployment Among High Risk Individuals on Extended Supervision</p> <ul style="list-style-type: none"> • Provide vocational assessment, transitional employment, and job development and placement services for approximately 10 percent of the currently 12,000 individuals on post-release supervision who are unemployed. Services should be targeted at high risk offenders where employment can have the greatest impact on recidivism. 	<p>\$12,000,000</p>
<p>Expand Community Based Alternatives to Revocation</p> <ul style="list-style-type: none"> • Drug and Alcohol Treatment <ul style="list-style-type: none"> o Residential o Intensive Outpatient o Outpatient o Aftercare • Cognitive Group Intervention • Day Reporting Centers 	<p>\$10,000,000</p>
Total Reinvestments FY2010-2011 Biennium	\$30,000,000

To learn more about the justice reinvestment strategy
in Wisconsin and other states, please visit:
www.justicereinvestment.org

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The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.

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To learn more about the Bureau of Justice Assistance, please visit: <http://www.ojp.usdoj.gov/BJA/>.

Research and analysis described in this report also have been funded by the Public Safety Performance Project of The Pew Charitable Trusts' Center on the States. Launched in 2006 as a project of the Pew Center on the States, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs.

To learn more about the Public Safety Performance Project, please visit: <http://www.pewpublicsafety.org/>.

Points of view, recommendations, or findings stated in this document are those of the authors and do not necessarily reflect the official position or policies of the Bureau of Justice Assistance, U.S. Department of Justice, The Pew Charitable Trusts, Council of State Governments Justice Center, or the Council of State Governments' members.

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July 29, 2009

TO: Senator Lena Taylor
Room 415 South, State Capitol

FROM: Chris Carmichael, Fiscal Analyst

SUBJECT: 2009 Act 28 Sentencing Modifications

This memorandum provides an overview of the provisions in 2009 Act 28, the 2009-11 budget act, related to sentencing modifications for confinement time, extended supervision, and probation. Specifically, this memorandum describes the following enacted provisions: (a) positive adjustment time; (b) risk reduction; (c) bifurcated sentence modification; (d) release to extended supervision for older inmates and inmates with extraordinary health conditions; (e) earned release and challenge incarceration program expansions; (f) extended supervision discharge; (g) revocation of extended supervision; and (h) probation. The effective date for these provisions is October 1, 2009.

CONFINEMENT (PRISON) TIME MODIFICATIONS

Positive Adjustment Time

Act 28 creates "positive adjustment time" to allow certain inmates to earn earlier release from prison by not violating any regulation of the prison and not refusing or neglecting to perform required or assigned duties. Individuals eligible for positive adjustment time are generally divided into three categories: (a) offenders convicted of non-violent Class F to I felonies who are not determined by the Department of Corrections to be at high-risk of reoffending after applying an objective risk assessment instrument supported by research; (b) offenders convicted of violent Class F to I felonies, or determined to be high-risk of reoffending; and (c) offenders convicted of Class C to E felonies. Individuals who are sentenced for certain offenses are excluded from positive adjustment time, including all sex offenses requiring registration with the sex offender registry. Attachment 1 includes a list of all Class B to I felonies and identifies which offenses are ineligible for positive adjustment time under Act 28. In addition, Attachment 2 includes a list of the Class F to I felonies defined as "violent offenses" under s. 301.048(2)(bm)1.a..

How an inmate's sentence is adjusted depends on the category of offender. Offenders convicted of non-violent Class F to I felonies not considered high-risk may earn one day of positive adjustment time for every two days served without violation of prison regulation, or refusal or neglect to perform required or assigned duties. Offenders convicted of violent Class F to I felonies, or non-violent Class F to I felonies considered high-risk, may earn one day of positive adjustment time for every three days served. Finally, offenders convicted of Class C to E felonies may earn one day of positive adjustment time for every 5.7 days served.

When the first category of offender (non-violent Class F to I felonies not considered high-risk) is within 90 days of release to extended supervision, the Department must notify the sentencing court that it intends to modify the inmate's sentence and release the inmate to extended supervision. If the court decides to hold a review hearing, the court must schedule the hearing within 30 days after notification. The court must hold the hearing and issue an order relating to the inmate's sentence modification within 60 days of notification. At the hearing, the court may consider the inmate's conduct in prison, his or her level of risk of reoffending based on a verified, objective instrument, and the nature of the offense committed by the inmate. The court may accept the Department's determination that the inmate has earned positive adjustment time, or order the inmate to remain in prison for a period of time that does not exceed the time remaining on the inmate's term of confinement. If the court does not schedule a hearing, or if the court accepts the Department's determination at the hearing, the Department must release the inmate to extended supervision.

For the other categories of offenders (violent Class F to I felonies, non-violent Class F to I felonies considered high-risk, or Class C to E felonies), offenders may petition the Earned Release Review Commission (the renamed Parole Commission) for release to extended supervision when he or she has served the term of confinement in prison portion of his or her bifurcated sentence, less positive adjustment time earned. The Earned Release Review Commission (ERRC) may consider any of the following as grounds for a petition for release to extended supervision: (a) the inmate's conduct, efforts at and progress in rehabilitation, or participation and progress in education, treatment, or other correctional programs since he or she was sentenced; (b) the inmate is subject to a sentence of confinement in another state or the inmate is in the United States illegally and may be deported; or (c) sentence adjustment is otherwise in the interests of justice.

When the offender is within 90 days of release to extended supervision, the ERRC must notify the sentencing court that it intends to modify the inmate's sentence and release the inmate to extended supervision. If the court decides to hold a review hearing, the court must schedule the hearing within 30 days after notification. The court must hold the hearing and issue an order relating to the inmate's sentence modification within 60 days of notification. At the hearing, the court may consider the inmate's conduct in prison, his or her level of risk of reoffending based on a verified, objective instrument, and the nature of the offense committed by the inmate. The court may accept the ERRC's determination that the inmate has earned positive adjustment time, or order the inmate to remain in prison for a period of time that does not exceed the time remaining on the

inmate's term of confinement. If the court does not schedule a hearing, or if the court accepts the ERRC's determination at the hearing, the ERRC must release the inmate to extended supervision.

When inmates are released to extended supervision based on positive adjustment time, the term of extended supervision is increased so that the total length of the bifurcated sentence does not change.

The positive adjustment time provision applies to individuals sentenced on December 31, 1999. Thus, inmates currently incarcerated are eligible for positive adjustment time. It should be noted that the provision does not specify when the offender's conduct, which the Department evaluates for possible sentence adjustment, would occur. In other words, the provision could be read to allow the Department to review conduct that occurred prior to October 1, 2009 in determining sentence adjustments. The Department has, however, previously indicated that they would only adjust sentences based on offender conduct occurring after October 1st.

Risk Reduction

Under Act 28, whenever a court imposes a bifurcated sentence, the court may order the person to serve a risk reduction sentence if: (a) the court determines that a risk reduction sentence is appropriate; and (b) the person agrees to cooperate in an assessment of his or her criminogenic factors and risk of reoffending, and to participate in programming or treatment the Department develops for the person. The risk reduction sentence is not a separate sentence imposed by the court, but rather a court-determined means to identify offenders at sentencing who, if successfully completing programming or treatment, may have their bifurcated sentence reduced.

Under the risk reduction program, the Department must: (a) provide programming and treatment for inmates sentenced to risk reduction; (b) conduct a validated and objective assessment of the inmate's criminogenic factors and risk of reoffending; and (c) develop a program plan for the inmate that is designed to reduce the risk and address the factors identified. Under the provision, the Department may modify the inmate's program plan. If the Department determines that the inmate has completed the programming or treatment under the plan and that the inmate maintained a good conduct record during confinement, the Department must release the inmate to extended supervision when he or she has served not less than 75% of the term of confinement. Not less than 30 days prior to release, the Department must notify the sentencing court that the inmate has thus far successfully completed the requirements of his or her risk reduction sentence. If the inmate is released early after successfully completing the risk reduction program, his or her overall sentence is reduced. The reduction of the total sentence length as a result of the application of risk reduction is unlike positive adjustment time, where the term of extended supervision is increased so the overall sentence length does not change.

Attachment 1 identifies offenses which are ineligible for risk reduction. It should be noted that, unlike positive adjustment time, inmates convicted of Class B felonies are eligible for the risk reduction program. The risk reduction provision applies to sentences imposed by the court on or

after October 1, 2009.

Bifurcated Sentence Modification

Under law in existence prior to Act 28, an inmate serving a bifurcated sentence, other than for a Class B felony, may petition the sentencing court to adjust his or her sentence if the inmate has served at least 75% of a Class F to I felony, or 85% of a Class C to E felony. Any of the following are grounds for petition: (a) the inmate's conduct, efforts at, and progress in rehabilitation, or participation and progress in education, treatment or other correctional programs since he or she was sentenced; (b) a change in law or procedure related to sentencing or revocation of extended supervision effective after the inmate was sentenced that would have resulted in a shorter term of confinement in prison, or if the inmate was returned to prison upon revocation of extended supervision, a shorter period of confinement in prison upon revocation, if the change had been applicable when the inmate was sentenced; (c) the inmate is subject to a sentence of confinement in another state or the inmate is in the US illegally and may be deported; or (d) sentence adjustment is otherwise in the interests of justice. If an inmate is released early, his or her term of extended supervision is increased so the overall length of sentence does not change.

Under Act 28, the above-described provision only applies to inmates serving bifurcated sentences imposed prior to October 1, 2009. Inmates serving eligible bifurcated sentences convicted after on or after October 1, 2009 are ineligible for this option. Act 28 created a new option for modifying bifurcated sentences.

Under the new option for modifying bifurcated sentences, the Department may release inmates to extended supervision, if the following conditions are met: (a) the person is serving time for a non-violent Class F to I felony; (b) the prison social worker or extended supervision agent of record has reason to believe that the person will be able to maintain himself or herself while not confined without engaging in assaultive activity; and (c) the release to extended supervision date is not more than 12 months before the person's extended supervision eligibility date. If an inmate is released early, his or her term of extended supervision is increased so the overall length of sentence does not change. Attachment 1 identifies the offenses ineligible for the modifying bifurcated sentences option.

Inmates serving bifurcated sentences imposed prior to October 1, 2009, who meet the criteria for the new option for modifying bifurcated sentences, may choose to modify their sentences under either the existing sentencing modification or the new modification.

Release to Extended Supervision for Extraordinary Health Circumstances

Act 28 modified law related to bifurcated sentences for older inmates and inmates who have terminal conditions. Prior law provided an inmate serving a bifurcated sentence for a crime, other than a Class B felony, could seek to modify of his or her sentence if the inmate: (a) was 65 years of age or older and served at least 10 years of the term of confinement; (b) was 60 years of age or older

and served at least 10 years of the term of confinement; or (c) had a terminal condition. The inmate could petition the institution's program review committee for modification. The program review committee could deny the petition or approve and refer it to the sentencing court. If the sentencing court approved the petition and the inmate was released early, the term of extended supervision was increased so that the total length of the bifurcated sentence did not change.

Act 28 modified the law to allow inmates serving life sentences or Class B felonies to be eligible for release under these provisions. Further, the provision related to inmates with terminal conditions was replaced with provisions related to "extraordinary health conditions." Extraordinary health condition is defined by Act 28 as a condition afflicting a person, such as advanced age, infirmity, or disability of the person or a need for medical treatment or services not available within a correctional institution.

Additionally, Act 28 provides that inmates who meet the age and/or health criteria now petition the Earned Release Review Commission, rather than the program review committee, for sentence modification. The ERRC, rather than the sentencing court, may modify the inmate's sentence. If the ERRC approves the petition and the inmate is released early, the term of extended supervision is increased so that the total length of the bifurcated sentence did not change. The statutory changes apply to petitions filed on or after October 1, 2009.

Earned Release and Challenge Incarceration Programs

The Department currently operates the earned release program for eligible inmates at the Drug Abuse Correctional Center, the Robert E. Ellsworth Correctional Center, the Chippewa Valley Treatment Facility, and the Racine Correctional Institution. Inmates who successfully complete the substance abuse program for earned release may be released to parole or extended supervision. The challenge incarceration program ("boot camp") operates at the Black River Correctional Center and the St. Croix Correctional Center. The program provides eligible inmates with manual labor, personal development counseling, substance abuse treatment and education, military drill and ceremony and counseling.

Act 28 expands the earned release program from a substance abuse treatment program to a "rehabilitation" program. Further, the act expands the boot camp program to include not just inmates with substance abuse treatment needs, but also inmates with one or more treatments needs not related to substance use that is directly related to his or her criminal behavior. The challenge incarceration program must provide, according to each participant's assessed needs, substance abuse treatment and education, including intensive intervention when indicated, personal development counseling, education, employment readiness training, and other treatment options that are directly related to the participant's criminal behavior.

EXTENDED SUPERVISION MODIFICATIONS

Discharge from Extended Supervision

Act 28 provides that the Department may discharge a person from extended supervision after he or she has served two years of extended supervision, if the person has met the conditions of extended supervision and the reduction is in the interests of justice. The Department must notify any victim(s) of the person of its intent to discharge the person from extended supervision. The Department may promulgate rules establishing guidelines and criteria for the exercise of discretion for discharge.

Attachment 1 identifies which offenses are ineligible for extended supervision discharge. It should be noted that, unlike positive adjustment time, inmates convicted of Class B felonies are eligible for the discharge from extended supervision.

Revocation of Extended Supervision

Under prior law, if a person released to extended supervision violated a condition of extended supervision, the reviewing authority (the Division of Hearings and Appeals in the Department of Administration or Corrections) could revoke the person's extended supervision. If revoked, the person would be returned to the sentencing court, where the court would order the person to be returned to prison for any specified period of time that does not exceed the time remaining on the bifurcated sentence.

Act 28 specifies that, if a person's extended supervision is revoked as a result of a violation of his or her supervision, the reviewing authority, rather than the court, will order the person to return to prison for any specified period of time that does not exceed the time remaining on the sentence.

PROBATION MODIFICATION

Act 28 allows the Department to modify a person's period of probation and discharge the person from probation if the person has completed 50% of his or her period of probation.

I hope this information is of assistance.

CC/le
Attachments

ATTACHMENT 1

Classified Felony Offenses (On or After February 1, 2003) Identifying Offenses Ineligible for Act 28 Sentence Modifications

Class B Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1. Conspiracy to commit a crime for which the penalty is life imprisonment [939.31]	X		X	
2. Attempt to commit a crime for which the penalty is life imprisonment [939.32]	X		X	
3. First-degree reckless homicide [940.02]	X		X	
4. Second-degree intentional homicide [940.05]	X		X	
5. First-degree sexual assault [940.225(1)]	X		X	
6. Taking hostages, unless each hostage is released without bodily harm before the hostage taker's arrest [940.305]	X		X	
7. Kidnapping with intent to cause another to transfer property to obtain the release of the victim, where the victim is not released without permanent physical injury prior to the time the first witness is sworn at trial [940.31]	X		X	
8. Absconding after being adjudicated delinquent for a Class B felony [946.50(2)]	X		X	
9. Sexual intercourse with a person under 12 [948.02(1)(b)]	X		X	
10. Sexual intercourse with a person under 16 by use or threat of force or violence [948.02(1)(c)]	X		X	
11. Sexual contact with a person under 16 by use or threat of force or violence, if the actor is at least 18 when the sexual contact occurs [948.02(1)(d)]	X		X	
12. Sexual contact with a person under 13 [948.02(1)(e)]	X		X	

Class B Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
13. Engaging in at least three violations of one of the following: (a) sexual contact or intercourse with a person under 13 years, if resulted in great bodily harm; (b) sexual intercourse with a person under 12; (c) sexual intercourse with a person under 16 by use or threat of force or violence; or (d) sexual contact with a person under 16 by use or threat of force or violence, if the actor is at least 18 when the sexual contact occurs, if fewer than three of the violations were of (a) [948.025(1)(b),(c), or (d)]	X		X	

Class C Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1. First-degree reckless homicide, where drugs are provided or administered ("Len Bias" Law) [940.02]			X	
2. Homicide by intoxicated use of a vehicle, one or more previous convictions, suspension or revocation relating to certain operating under the influence offenses [940.09(1c)(b)]			X	
3. Mayhem [940.21]			X	
4. Second-degree sexual assault [940.225(2)]	X		X	
5. Abuse of vulnerable adults under circumstances that cause death by intentional or reckless maltreatment, except for employees of certain institutions, facilities and programs [940.285(2)(b)1g]	X	X	X	X
6. Abuse or neglect by employees of certain institutions, facilities or programs of persons at risk under circumstances that cause death by intentional or reckless abuse or neglect [940.295(3)(b)1g]	X	X	X	X
7. Taking hostages when, before the time of the hostage taker's arrest, each person who is held as a hostage is released without bodily harm [940.305]			X	
8. Kidnapping [940.31]	X	X	X	X
9. Causing death to another by tampering with household products [941.327]			X	
10. Arson of a building; damage of property by explosives [943.02]			X	
10a. Arson of a building; damage of property by explosives	X	X	X	X

Class C Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
[943.02] (if "felony murder")				
11. Carjacking [943.23(1g)]			X	
11a. Carjacking [943.23(1g)] (if "felony murder")	X	X	X	X
12. Armed robbery [943.32(2)]			X	
12a. Armed robbery [943.32(2)] (if "felony murder")	X	X	X	X
13. Robbery of a financial institution [943.87]			X	
14. Absconding after being adjudicated delinquent for a Class C felony [946.50(3)]			X	
15. Second-degree sexual assault of a child [948.02(2)]	X		X	
16. Engaging in repeated acts of first- or second-degree sexual assault of a child, if fewer than three violations involved first-degree sexual assault. [948.025(1)(e)]	X		X	
17. Physical abuse of a child (intentionally causing great bodily harm) [948.03(2)(a)]	X	X	X	X
18. Sexual exploitation of a child [948.05(2p)(b)]	X		X	
19. Trafficking a child [948.051(1)]	X		X	
20. Trafficking a child (benefiting in any manner from a violation) [948.051(2)]	X		X	
21. Using a computer to facilitate a child sex crime [948.075]	X		X	
22. Sexual assault of a child placed in substitute care [948.085]	X		X	
23. Incest with a child [948.06]	X		X	
24. Abduction of another's child by force or threat of force [948.30(2)]	X		X	
25. Manufacture, distribution or delivery of cocaine or cocaine base, more than 40 grams [961.41(1)(cm)4.]			X	
26. Manufacture, distribution or delivery of heroin, more than 50 grams [961.41(1)(d)4.]			X	
27. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, more than 50 grams [961.41(1)(e)4.]			X	
28. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, more than 50 grams [961.41(1)(hm)4.]			X	

Class C Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
29. Manufacture, distribution or delivery of flunitrozepam more than 50 grams [961.41(1)(im)4.]			X	
30. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 40 grams [961.41(1m)(cm)4.]			X	
31. Possession with intent to manufacture, distribute or deliver heroin, more than 50 grams [961.41(1m)(d)4.]			X	
32. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, more than 50 grams [961.41(1m)(e)4.]			X	
33. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, more than 50 grams [961.41(1m)(hm)4.]			X	
34. Possession with intent to manufacture, distribute or delivery of flunitrazepam more than 50 grams [961.41(1m)(im)4.]			X	

Class D Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1. Striking a person or attended or occupied vehicle and not remaining at the scene if the accident involves death [346.74(5)(d)]			X	
2. Second-degree reckless homicide [940.06]	X	X	X	X
3. Homicide by intoxicated use of a vehicle [940.09(1c)(a)]			X	
4. Homicide by intoxicated use of a firearm [940.09(1g)]			X	
5. Aggravated battery (causing great bodily harm to another by an act done with intent to cause great bodily harm) [940.19(5)]			X	
5a. Aggravated battery (causing great bodily harm to another by an act done with intent to cause great bodily harm) [940.19(5)] (if "felony murder")	X	X	X	X

Class D Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
6. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause great bodily harm) [940.195(5)]			X	
6a. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause great bodily harm) [940.195(5)] (if "felony murder")	X	X	X	X
7. First-degree reckless injury [940.23(1)]			X	
8. Abuse of vulnerable adults under circumstances that cause death by negligent maltreatment, except for employees of certain institutions, facilities and programs [940.285(2)(b)(1g)]	X	X	X	X
9. Abuse or neglect by employees of certain institutions, facilities or programs of persons at risk under circumstances that cause death by negligent abuse or neglect [940.295(3)(b)g]	X	X	X	X
10. Human trafficking (knowingly engaging in) [940.302(2)(a)]	X	X	X	X
11. Human trafficking (benefiting in any manner from a violation) [940.302(2)(b)]	X	X	X	X
12. Possession of body armor, second or subsequent violation [941.291(3)(b)]			X	
13. Theft of farm raised fish (second or subsequent violation) [943.74]			X	
14. Absconding after being adjudicated delinquent for a Class D felony [946.50(4)]			X	
15. Child enticement [948.07]	X		X	
16. Soliciting a child for prostitution [948.08]	X		X	
17. Possession of child pornography [948.12(3)(a)]	X		X	
18. Neglect of a child resulting in death [948.21(d)]			X	
19. Contributing to the delinquency of a child if death is a consequence [948.40(4)(a)]	X	X	X	X
20. Manufacture, distribution or delivery of cocaine or cocaine base, more than 15 grams, but not more than 40 grams [961.41(1)(cm)3.]			X	
21. Manufacture, distribution or delivery of heroin, more than 10 grams but not more than 50 grams [961.41(1)(d)3.]			X	

Class D Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
22. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, more than 10 grams but not more than 50 grams [961.41(1)(e)3.]			X	
23. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, more than 10 grams but not more than 50 grams [961.41(1)(hm)3.]			X	
24. Manufacture, distribution or delivery of flunitrazepam more than 10 grams but not more than 50 grams [961.41(1)(im)3.]			X	
25. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 15 grams but not more than 40 grams [961.41(1m)(cm)3.]			X	
26. Possession with intent to manufacture, distribute or deliver heroin, more than 10 grams but not more than 50 grams [961.41(1m)(d)3.]			X	
27. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, more than 10 grams but not more than 50 grams [961.41(1m)(e)3.]			X	
28. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, more than 10 grams but not more than 50 grams [961.41(1m)(hm)3.]			X	
29. Possession with intent to manufacture, distribute or delivery of flunitrazepam more than 10 grams but not more than 50 grams [961.41(1m)(im)3.]			X	

Class E Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1. Obtaining, selling, or soliciting more than 10 telephone records that pertain to another person without the person's consent [100.525(3)(c)]			X	
2. Sale or disposal of denatured alcohol resulting in death [125.68(12)(c)]			X	
3. Fleeing an officer resulting in death [346.17(3)(d)]			X	
4. Striking a person or attended or occupied vehicle and			X	

Class E Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
not remaining at the scene if the accident involves injury to a person and the person suffers great bodily harm [346.74(5)(c)]				
5. Abortion ("feticide") of an unborn quick child by a person other than the pregnant woman; causing the death of the mother by an act done to destroy her unborn child [940.04(2)]			X	
6. Abuse of a patient or resident under circumstances that cause great bodily harm to the person [940.295(3)(b)1m]			X	
6a. Abuse of a patient or resident under circumstances that cause great bodily harm to the person [940.295(3)(b)1m] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
7. Possession of body armor [941.291(3)(a)]			X	
8. Contributing to the death of another by obstructing emergency or rescue personnel [941.37(4)]			X	
9. Aggravated burglary [943.10(2)]			X	
9a. Aggravated burglary [943.10(2)] (if "felony murder")	X	X	X	X
10. Robbery [943.32(1)]			X	
11. Transferring encumbered property, if the value of the property exceeds \$100,000 [943.84 & 943.91(5)]			X	
12. Supervising, organizing, financing, or managing three or more financial crimes within an 18-month period [943.88]			X	
13. Absconding after being adjudicated delinquent for a Class E felony [946.50(5)]			X	
14. Engaging in racketeering activity [946.84]			X	
15. Engaging in a continuing criminal enterprise [946.85(1)]			X	
16. Abduction of another's child [948.30(1)]	X		X	
17. Manufacture, distribution or delivery of a narcotic included in schedule I or II [961.41(1)(a)]			X	
18. Manufacture, distribution or delivery of cocaine or cocaine base, more than 5 grams, but not more than 15 grams [961.41(1)(cm)2.]			X	
19. Manufacture, distribution or delivery of heroin, more than 3 grams but not more than 10 grams [961.41(1)(d)2.]			X	

Class E Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
20. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, more than three grams but not more than 10 grams [961.41(1)(e)2.]			X	
21. Manufacture, distribution or delivery of lysergic acid diethylamide, more than 5 grams [961.41(1)(f)3.]			X	
22. Manufacture, distribution or delivery of psilocin or psilocylin, more than 500 grams [961.41(1)(g)3.]			X	
23. Manufacture, distribution or delivery of THC more than 10,000 grams or more than 200 plants containing THC [961.41(1)(h)5.]			X	
24. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, more than three grams but less than 10 grams [961.41(1)(hm)2.]			X	
25. Manufacture, distribution or delivery of flunitrazepam more than three grams but not more than 10 grams [961.41(1)(im)2.]			X	
26. Possession with intent to manufacture, distribute or deliver of a narcotic included in schedule I or II [961.41(1m)(a)]			X	
27. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 5 grams but not more than 15 grams [961.41(1m)(cm)2.]			X	
28. Possession with intent to manufacture, distribute or deliver heroin, more than 3 grams but not more than 10 grams [961.41(1m)(d)2.]			X	
29. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, more than three grams but not more than 10 grams [961.41(1m)(e)2.]			X	
30. Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, more than 5 grams [961.41(1m)(f)3.]			X	
31. Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, more than 500 grams [961.41(1m)(g)3.]			X	
32. Possession with intent to manufacture, distribute or delivery THC, more than 10,000 grams or more than 200 plans containing THC [961.41(1m)(h)5.]			X	
33. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances			X	

Class E Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
or ketamine, more than three grams but less than 10 grams [961.41(1m)(hm)2.]				
34. Possession with intent to manufacture, distribute or delivery of flunitrazepam more than three grams but not more than 10 grams [961.41(1m)(im)2.]			X	
35. Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, a counterfeit substance included in schedule I or II which is a narcotic drug [961.41(2)(a)]			X	

Class F Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1. Sale and manufacturing of liquor without permits [125.66(3)]				
2. Delivering alcohol from denatured alcohol [125.68(12)(b)]				
3. Fraudulently receiving deposits [134.16]				
4. False or fraudulent drug tax stamp [139.95(3)]				
5. Falsification or withholding of information related to a declaration to a physician [154.15(2)]				
6. Falsification or withholding of information related to a do-not-resuscitate order [154.29(2)]				
7. False statements by officer, director, or employee of a credit union [186.80(2)]				
8. Filing of a false document with the Division of Savings and Loans [214.93]				
9. Falsification of records and dishonest acts, savings and loans [215.12]				
10. Illegal loans to government officials [221.0625(2) (intro)]				
11. False statements by officer, director or employee of a state bank [221.1004(2)]				
12. Second or subsequent violation of hazardous waste transportation, storage, treatment or disposal [291.97(2)(c)2.]				

Class F Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
13. Fleeing an officer resulting in great bodily harm [346.17(3)(c)]				
14. Operating a motor vehicle under the influence of an intoxicant or other drug, 10 or more violations [346.65(2)(am)7.]				
15. Solicitation to commit a crime for which the penalty is life imprisonment [939.30(2)]				
16. Mutilating a corpse [940.11(1)]	X	X	X	X
17. Sexual exploitation by a therapist [940.22(2)]	X		X	
18. Second-degree reckless injury [940.23(2)]			X	
19. Injury by intoxicated use of a vehicle [940.25(1)]				
20. Abuse of a vulnerable adult under circumstances that cause great bodily harm [940.285(2)(b)1m]				
21. Abuse of a vulnerable adult under circumstances that cause great bodily harm [940.285(2)(b)1m] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
22. Abuse and neglect of patients and residents (intentional abuse or neglect that causes great bodily harm) [940.295(3)(b)1r]			X	
21a. Abuse and neglect of patients and residents (intentional abuse or neglect that causes great bodily harm) [940.295(3)(b)1r] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
23. Stalking (causing bodily harm, with a prior history of violence with the victim or using a dangerous weapon) [940.32(3)]	X	X	X	X
24. Endangering safety by intentionally discharging a firearm from a vehicle while on a highway or public parking lot [941.20(3)(a)]			X	
25. Modifying a firearm to make it a machine gun [941.26(2)(b)]			X	
26. First-degree recklessly endangering safety [941.30(1)]			X	
27. Possession of explosives [941.31]				
28. Administering a dangerous or stupefying drug with intent to facilitate commission of a crime [941.32]				
29. Causing great bodily harm by tampering with household products [941.327(2)(b)3]			X	

Class F Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
30. Burglary [943.10(lm)]				
31. Loan sharking [943.28]				
32. Unlawful receipt of payments to obtain a loan for another (if the value of the payment exceeds \$2,500) [943.62(4)(c)]				
33. Computer crimes (if the offense creates a substantial and unreasonable risk of death or great bodily harm to another, causes damage valued at more than \$2,500, or causes an interruption or impairment of governmental operations, public communications, transportation or the supply of gas, water or other public services) [943.70(2)(b) 3g, 3r and 4 & (3)(b) 4]				
34. Infecting animals with a contagious disease (intentional introduction) [943.76(2)]				
35. Incest [944.06]	X		X	
36. Pandering (if compensated from the earnings of prostitute) [944.33]				
37. Sabotage [946.02]				
38. Sedition [946.03]				
39. Escape by individuals subject to Chapter 980 proceedings and/or supervision [946.42(3m)]				
40. Assault by prisoners [946.43(1m)]			X	
41. Public officer or public employee assisting or permitting escape [946.44(1g)]				
42. Bringing a firearm into prison or jail; transferring a firearm to a prisoner [946.44(1m)]				
43. Absconding after being adjudicated delinquent for a Class F felony [946.50(5d)]				
44. Physical abuse of a child (causing bodily harm by conduct creating a high probability of great bodily harm) [948.02(2)(c)]				
45. Failure by a person responsible for the welfare of a child to prevent sexual assault of the child [948.02(3)]				
46. Failure by a person responsible for the welfare of a child to prevent great bodily harm to a child [948.03(4)(a)]			X	
47. Causing mental harm to a child; failure by a person responsible for the welfare of a child to prevent mental harm to the child [948.04]			X	

Class F Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
48. Sexual exploitation of a child, if the actor is under 18 years of age when the offense occurs [948.05(2p)(b)]	X		X	
49. Causing a child under the age of 13 to view or listen to sexual activity [948.055(2)(a)]	X		X	
50. Child sex offender working with children [948.13(2)]	X		X	
51. Neglect of a child, if great bodily harm is a consequence [948.21(c)]				
52. Interference with custody of a child with intent to deprive the custodian of custody rights; concealing a child [948.31(1)(b)&(3)]				
53. Manufacture, distribution or delivery of cocaine or cocaine base, more than one gram but less than five grams [961.41(1)(cm)1r.]				
54. Manufacture, distribution or delivery of heroin, three grams or less [961.41(1)(d)1.]				
55. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, three grams or less [961.41(1)(e)1.]				
56. Manufacture, distribution or delivery of lysergic acid diethylamide, more than one gram but not more than 5 grams [961.41(1)(f)2.]				
57. Manufacture, distribution or delivery of psilocin or psilocylin, more than 100 grams but not more than 500 grams [961.41(1)(g)2.]				
58. Manufacture, distribution or delivery of THC, more than 2,500 grams but not more than 10,000 grams, or more than 50 plants containing THC but not more than 200 plants containing THC [961.41(1)(h)4.]				
59. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, three grams or less [961.41(1)(hm)1.]				
60. Manufacture, distribution or delivery of flunitrazepam three grams or less [961.41(1)(im)1.]				
61. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than one gram but not more than five grams [961.41(1)(m)(cm)1r.]				
62. Possession with intent to manufacture, distribute or deliver heroin, three grams or less [961.41(1)(m)(d)1.]				
63. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine				

Class F Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
or methcathinone, three grams or less [961.41(1m)(e)1.]				
64. Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, more than one gram but not more than 5 grams [961.41(1m)(f)2.]				
65. Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, more than 100 grams but not more than 500 grams [961.41(1m)(g)2.]				
66. Possession with intent to manufacture, distribute or delivery THC, more than 2,500 grams but not more than 10,000 grams, or more than 50 plants containing THC but less than 200 plants containing THC [961.41(1m)(h)4.]				
67. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, three grams or less [961.41(1m)(hm)1.]				
68. Possession with intent to manufacture, distribute or deliver flunitrazepam, three grams or less [961.41(1m)(im)1.]				
69. Possession of any amount of piperidine [961.41(1n)(c)]				
70. Possession or disposal of waste from manufacture of methamphetamine, second or subsequent offense [961.437(4)(b)]				
71. Use of a person who is 17 years of age or under for the purpose of the manufacture, distribution or delivery of a controlled substance [961.455(1)]				

Class G Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1. Illegal use of food stamps with a value of \$5,000 or more [49.795(8)(c)]				
2. Illegal intent to secure public assistance if the value exceeds \$10,000 [49.95(1)(f)]				
3. Obtaining, selling, or soliciting two or more telephone records that pertain to another person without the person's consent [100.525(3)(b)]				
4. Intentional destruction of a PECFA record				

Class G Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
[101.143(10)(b)]				
5. Death by providing alcoholic beverages to a minor [125.075(2)(b)]				
6. Use or manufacturing of counterfeit cigarette stamps [139.44(1)]				
7. Tampering with cigarette meter [139.44(1m)]				
8. Violation of fireworks manufacturing licensure requirement [167.10(9)(g)]				
9. Operating a motor vehicle under the influence of an intoxicant or other drug, 7, 8 or 9 violations [346.65(2)(am)6.]				
10. Willful violation of fraudulent and practices statutes under state franchise investment law [553.52(1)]				
11. Fraud in connection with the offer or sale of any franchise [553.52(2)]				
12. Homicide resulting from negligent control of a vicious animal [940.07]				
13. Homicide by negligent handling of a dangerous weapon, explosives or fire [940.08]			X	
14. Homicide by negligent operation of a vehicle [940.10]			X	
15. Hiding a corpse [940.11(2)]				
16. Third-degree sexual assault [940.225(3)]	X		X	
17. Strangulation and suffocation, second or more violation, or a previous violation for a violent crime [940.235(2)]	X	X	X	X
18. Abuse of vulnerable adults (intentional maltreatment under circumstances that are likely to cause great bodily harm) [940.285(2)(b)1r]				
18a. Abuse of vulnerable adults (intentional maltreatment under circumstances that are likely to cause great bodily harm) [940.285(2)(b)1r] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
19. Abuse and neglect of patients and residents (intentional abuse or neglect that is likely to cause great bodily harm) [940.295(3)(b)1r]			X	
19a. Abuse and neglect of patients and residents (intentional abuse or neglect that is likely to cause	X	X	X	X

Class G Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
great bodily harm) [940.295(3)(b)1r] (if offense causes death, great bodily harm, or bodily harm to victim)				
20. Felony intimidation of a witness [940.43]			X	
21. Felony intimidation of a victim [940.45]			X	
22. Endangering safety (by discharging firearm into a vehicle or building or setting a spring gun) [941.20(2)]			X	
23. Possession of a firearm by certain persons [941.29(2)]				
24. Second-degree recklessly endangering safety [941.30(2)]			X	
25. Theft (if the value of the property exceeds \$10,000) [943.20(3)(c)]				
26. Theft from the person of another or a corpse [943.20(3)(e)]				
27. Receiving stolen property (if the value of the property exceeds \$10,000) [943.34(1)(c)]				
28. Fraudulent use of financial transaction cards (if the value of the money, goods, services, or property exceeds \$10,000 within a period not exceeding six months) [943.41(8)(c)]				
29. Retail theft (if the value of the merchandise exceeds \$10,000) [943.50(4)(c)]				
30. Transferring encumbered property, if the value of the property exceeds \$10,000 but does not exceed \$100,000 [943.84 & 943.91(4)]				
31. Absconding after being adjudicated delinquent for a Class G felony [946.50(5h)]				
32. Physical abuse of a child (recklessly causing great bodily harm) [948.03(3)(a)]			X	
33. Abandonment of a child [948.20]				
34. Hazing (if the act results in the death of another) [948.51(3)(c)]				
35. Leaving a child unattended in a child care vehicle, if death is a consequence, if the person is responsible for the child's welfare [948.53(2)(b)4.]				
36. Discharging or attempting to discharge a firearm in a school zone [948.605(3)(a)]	X	X	X	X

Class G Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
37. Receiving stolen property from a child (if the value of the property exceeds \$5,000) [948.62(1)(c)]				
38. Manufacture, distribution or delivery of cocaine or cocaine base one gram or less [961.41(1)(cm)1g.]				
39. Manufacture, distribution or delivery of lysergic acid diethylamide, one gram or less [961.41(1)(f)1.]				
40. Manufacture, distribution or delivery of psilocin or psilocylin, one hundred grams or less [961.41(1)(g)1.]				
41. Manufacture, distribution or delivery of THC, more than 1,000 grams but not more than 2,500 grams, or more than 20 plants containing THC but not more than 50 plants containing THC [961.41(1)(h)3.]				
42. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, one gram or less [961.41(1m)(cm)1g.]				
43. Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, one gram or less [961.41(1m)(f)1.]				
44. Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, one hundred grams or less [961.41(1m)(g)1.]				
45. Possession with intent to manufacture, distribute or deliver THC, more than 1,000 grams but not more than 2,500 grams or more than 20 plants containing THC but not more than 50 plants containing THC [961.41(1m)(h)3.]				
46. Using, or possessing with primary intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or an analog of methamphetamine, if in the presence of a child who is aged 14 or younger [961.573(3)(b)2.]				
47. Drug paraphernalia delivery or possession with intent to deliver, by any person age 17 or older, to any person 17 years or younger for use to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or an analog of methamphetamine [961.575(3)]				

Class H Felonies

	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1. Criminal violations of lobby law statutes [13.69(6m)]	X	X	X	X
2. Causing death or injury by interfering with all-terrain vehicle route or trail sign standard [23.33(13)(cg)]				
3. Intentionally setting fires to land of another or a marsh [26.14(8)]				
4. Failure to render aid in a boating accident that involves the death of a person [30.80(2g)(d)]				
5. Falsifying boat certificate or title, or altering hull or engine serial numbers [30.80(3m)]				
6. Committing a fraudulent act in connection with providing items or services under W-2 [49.141(7)(a)]				
7. Solicitation or receiving of a kickback, bribe or rebate in connection with providing items or services under W-2 [49.141(9)(a)]				
8. Offering or paying a kickback, bribe or rebate in connection with providing items or services under W-2 [49.141(9)(b)]				
9. Improper charging by a provider for W-2 services [49.141(10)(b)]				
10. Removal, deposit or concealment of property or aiding in the removal, deposit or concealment of any property with intent to evade or defeat the assessment or collection of any debt under the Aid to Families with Dependent Children and Wisconsin Works programs [49.195(3n)(k)]				
11. Committing a fraudulent act in connection with providing items or services under medical assistance [49.49(1)(b)1.]				
12. Soliciting or receiving a kickback, bribe or rebate in connection with providing medical assistance [49.49(2)(a)]				
13. Offering or paying a kickback, bribe or rebate in connection with providing medical assistance [49.49(2)(b)]				
14. Fraudulent certification of qualified medical assistance facilities [49.49(3)]				
15. Improper charging by a provider for medical assistance services [49.49(3m)(b)]				
16. Improper charging by a facility for medical assistance				

Class H Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
services [49.49(4)(b)]				
17. Violation of a rule relating to prescription drug assistance for elderly persons [49.688(9)(b)]				
18. Illegal use of food stamps with a value over \$100, but is less than \$5,000, second and subsequent offenses [49.795(8)(b)2.]				
19. Illegal intent to secure public assistance if the value exceeds \$5,000 but does not exceed \$10,000 [49.95(1)(e)]				
20. False statement related to emergency mental health detentions [51.15(12)]				
21. False statement related to protective services placements [55.135(2)]				
22. False statement related to securing or assisting in the securing of housing for persons of low income in order to receive more than \$25,000 [66.1207(1)(c)]				
23. False income tax return; fraud [71.83(2)(b)1.]				
24. Officer of a corporation; false franchise or income tax return [71.83(2)(b)2.]				
25. Fraudulent claim for tax credit [71.83(2)(b)4.]				
26. Tampering with road signs if the tampering results in the death of a person [86.192(4)]				
27. Use of meat from dead or diseased animals [97.43(4)]				
28. Violation of horsemeat labeling requirements [97.45(2)]				
29. Knowingly making a false statement in an application for a certificate of title for a mobile home [101.9204(2)]				
30. Intoxicating and reckless flying [114.09(2)(a)5.]				
31. False statement related to aircraft registration [114.20(18)(c)]				
32. Injury by providing alcohol beverages to a minor [125.075(2)(a)]				
33. Impersonating an agent, inspector or employee of DOR or DOJ in commission of a crime [125.105(2)(b)]				

Class H Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
34. Trafficking in counterfeit trademarks and other commercial marks with intent to deceive [132.20(2)]				
35. Unlawful contracts or conspiracies in restraint of trade or commerce [133.03(1)]				
36. Monopolization of any part of trade or commerce [133.03(2)]				
37. Fraudulent issuance or use of warehouse receipts or bills of lading [134.20(1)(intro)]				
38. Issuance of warehouse receipts without entering item into register with intent to defraud [134.205(4)]				
39. Violations of purchase and sale of scrap metal statutes, more than one previous violation [134.405(5)]				
40. Intentionally using, attempting to use, or possessing with intent to use, personal identifying information or personal identification document of an individual, including a deceased individual, without authorization or consent of the individual, for the purpose of obtaining credit, goods, or services [139.345(3)(b)3.]				
41. Possessing a schedule I or II controlled substance or ketamine or flunitrazepam not bearing drug tax stamp [139.95(2)]				
42. Sale of human organs for transplantation prohibited [146.345(3)]				
43. Female genital mutilation [146.35(5)]				
44. Filing of false 911 report [146.70(10)(a)]				
45. Prohibited acts related to records of anatomical gifts [157.06(17)]				
46. False statement related to a motor vehicle salvage dealer license [218.21(7)]				
47. Theft by bank employee or officer [221.0636(2)]				
48. Violation of statutes related to the Women, Infant and Children program, second or subsequent violation [253.06(4)(b)]				

Class H Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
49. Transportation of hazardous waste to an unlicensed facility or site, and storage, treatment, transportation or disposal of any hazardous waste without a license [291.97(2)(b) (intro)]				
50. Failure to comply with sex offender registration requirements (excludes certain sex registrants convicted of sexually motivated misdemeanors, first violations) [301.45(6)(a)1.]				
51. Failure to comply with sex offender registration requirements, second or subsequent offenses by certain sex registrants convicted of sexually motivated misdemeanors [301.45(6)(a)2.]				
52. Criminal violations of restrictions on sex registrants establishing or changing residence (excludes certain sex registrants convicted of sexually motivated misdemeanors, first violations) [301.45(6)(ag)1.]				
53. Criminal violations of restrictions on sex registrants establishing or changing residence, second or subsequent offenses by certain sex registrants convicted of sexually motivated misdemeanors [301.45(a)(ag)2.]				
54. Prohibition on sex offender name changes (excludes certain sex registrants convicted of sexually motivated misdemeanors) [301.47(3)(a)]				
55. Unlawful transfer of license plates, insert tag, decal or other evidence of registration or the transfer of counterfeit, forged or fictitious license plates, insert tag, decal or other evidence of registration [341.605(3)]				
56. False statement in an application for a vehicle title [342.06(2)]				
57. Failing to obtain title for salvage vehicle, with intent to defraud [342.065(4)(b)]				
58. Violation of mileage disclosure requirements with intent to defraud [342.155(4)(b)]				
59. Transfers of leased vehicles, with intent to defraud [342.156(6)(b)]				
60. Alteration of vehicle identification number [342.30(3)(a)]				

Class H Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
61. Counterfeiting and unlawful possession of certificate of title [342.32(3)]				
62. Fleeing an officer resulting in bodily harm, or damage to property [346.17(3)(b)]				
63. Operating a motor vehicle under the influence of an intoxicant or other drug, five or six violations [346.65(2)(am)5.]				
64. Causing death or injury by interfering with snowmobile route or trail sign or standard [350.11(2m)]				
65. Wholesale distributors of prescription drugs, prohibited actions [450.074(3)]				
66. Delivery or possession with intent to manufacture or deliver a prescription drug in violation of the Pharmacy Examining Board statutes [450.11(9)(b)]				
67. Illegal delivery of poisons [450.14(5)]				
68. Placing of prescription drugs: (a) in public place; or (b) upon private premises without consent of owner or occupant [450.15(2)]				
69. Willful violation of securities law [551.508(1)]				
70. Willful violation of corporate take-over laws [552.19(1)]				
71. Tampering with race animals; illegal killing of race dogs; counterfeiting race tickets with intent to defraud; illegal race activities [562.13(4)]				
72. Willful violation or failure to comply with statutes or false statements related to employee welfare funds [641.19(4)(a)]				
73. Willful and unlawful use of employee welfare funds [641.19(4)(b)]				
74. Failure or neglect to respond to a writ of mandamus [783.07]				
75. Solicitation to commit a felony (other than a Class A or Class E felony) [939.30(1)]				
76. Abortion ("feticide") by a person other than the pregnant woman [940.04(1)]				
77. Assisting suicide [940.12]				

Class H Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
78. Aggravated battery (causing great bodily harm to another by an act done with intent to cause bodily harm; or causing bodily harm to another by conduct that creates a substantial risk of great bodily harm) [940.19(4)]			X	
78a. Aggravated battery (causing great bodily harm to another by an act done with intent to cause bodily harm; or causing bodily harm to another by conduct that creates a substantial risk of great bodily harm) [940.19(4)&(6)] (if "felony murder")	X	X	X	X
79. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause bodily harm; or causing bodily harm to an unborn child by conduct that creates a substantial risk of great bodily harm) [940.195(4)]			X	
79a. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause bodily harm; or causing bodily harm to an unborn child by conduct that creates a substantial risk of great bodily harm) [940.195(4)&(6)] (if "felony murder")	X	X	X	X
80. Battery by prisoners [940.20(1)]			X	
80a. Battery by prisoners [940.20(1)] (if "felony murder")	X	X	X	X
81. Battery by persons committed to institutional care for sexually violent persons [940.20(1g)]			X	
81a. Battery by persons committed to institutional care for sexually violent persons [940.20(1g)] (if "felony murder")	X	X	X	X
82. Battery to law enforcement officers, fire fighters and commission wardens [940.20(2)]			X	
82a. Battery to law enforcement officers, fire fighters and commission wardens [940.20(2)] (if "felony murder")	X	X	X	X
83. Battery to probation and parole agents and aftercare agents [940.20(2m)]			X	
83a. Battery to probation and parole agents and aftercare agents [940.20(2m)] (if "felony murder")	X	X	X	X
84. Battery to jurors [940.20(3)]			X	
84a. Battery to jurors [940.20(3)] (if "felony murder")	X	X	X	X

Class H Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
85. Battery to an emergency department worker, an emergency medical technician, a first responder or an ambulance driver [940.20(7)(b)]			X	
85a. Battery to an emergency department worker, an emergency medical technician, a first responder or an ambulance driver [940.20(7)(b)] (if "felony murder")	X	X	X	X
86. Battery or threat to witnesses [940.201]			X	
86a. Battery or threat to witnesses [940.201] (if "felony murder")	X	X	X	X
87. Battery or threat to a judge [940.203]			X	
87a. Battery or threat to a judge [940.203] (if "felony murder")	X	X	X	X
88. Battery or threat to a Department of Revenue employee [940.205]				
89. Battery or threat to a Department of Commerce or Department of Workforce Development employee [940.207]				
90. Strangulation and suffocation [940.235(1)]	X	X	X	X
91. Intentional abuse of vulnerable adults under circumstances that cause bodily harm [940.285(2)(b)2]				
92. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that cause bodily harm [940.295(3)(b)2]			X	
92a. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that cause bodily harm [940.295(3)(b)2] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
93. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstances that cause great bodily harm [940.295(3)(b)3]			X	
93a. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstances that cause great bodily harm [940.295(3)(b)3] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
94. False imprisonment [940.30]				

Class H Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
94a. False imprisonment [940.30] (if victim was a minor and the offender was not the victim's parent)	X		X	
94b. False imprisonment [940.30] (if "felony murder")	X	X	X	X
95. Stalking (if the defendant intentionally gains access to certain records in order to facilitate the violation or if the defendant has a prior stalking or harassment conviction) [940.32(2m)]				
96. Unsafe burning of buildings [941.11]				
97. Endangering safety by intentionally pointing a firearm at a law enforcement officer, fire fighter, emergency medical technician, first responder, ambulance driver, and commission warden [941.20(lm)]				
98. Disarming a peace officer [941.21]	X	X	X	X
99. Selling, possessing, using or transporting a machine gun [941.26(2)(a)]			X	
100. Sale or commercial transportation of a tear gas device [941.26(2)(e)]			X	
101. Using a tear gas device to cause bodily harm or bodily discomfort to a peace officer [941.26(2)(f)]			X	
102. Using or threatening to use a tear gas or pepper spray device during commission of a crime to cause bodily harm or bodily discomfort to another [941.26(2)(g)&(4)(e)]			X	
103. Using pepper spray device to cause bodily harm or bodily discomfort to a peace officer [941.26(4)(d)]			X	
104. Selling, transporting or possessing a short-barreled shotgun or rifle [941.28]				
105. Selling, manufacturing or possessing an electric weapon [941.295]				
106. Using or possessing a handgun with armor-piercing bullets during the commission of certain crimes [941.296]				
107. Selling, delivering or possessing a firearm silencer [941.298]				
108. Making, transferring, possessing or using an improvised explosive device or possessing materials or components with intent to assemble an improvised				

Class H Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
explosive device [941.31(2)]				
109. Unlawful delivery or distribution of nitrous oxide [941.315(3)]				
110. Creating a high probability of great bodily harm to another by tampering with household products [941.327(2)(b)2]			X	
111. Arson with intent to defraud [943.04]			X	
112. Possession, manufacture or transfer of a fire bomb [943.06]			X	
113. Theft (if the value of the property exceeds \$5,000 but does not exceed \$10,000) [943.20(3)(bm)]				
114. Theft (under certain circumstances) [943.20(3)(d)]				
115. Unauthorized use of an individual's personal identifying information or documents [943.201(2)]				
116. Unauthorized use of an entity's identifying information or documents [943.203(2)]				
117. Unlawful transfer of recorded sounds if involving at least 1,000 recordings or if the transferred sounds are replayed by others from the Internet at least 1,000 times during a 180-day period or after the person has been convicted of such unlawful transfer [943.207(3m)(c)]				
118. Recording performance without consent of performance owner if involving at least 1,000 sound recordings or 100 audiovisual recordings during a 180-day period or after the person has been convicted of such recording [943.208(2)(c)]				
119. Failure to disclose manufacturer of a recording if involving at least 100 recordings during a 180-day period or after the person has been convicted of failure to disclose the manufacturer of a recording [943.209(2)(c)]				
120. Taking and driving a motor vehicle without the owner's consent [943.23(2)]				
121. Threats to injure or accuse of a crime (extortion) [943.30]			X	
122. Receiving stolen property (if the value exceeds \$5,000 but does not exceed \$10,000) [943.34(1)(bm)]				

Class H Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
123. Forgery of certain documents; uttering certain forged documents [943.38(1)&(2)]				
124. Fraudulent writings [943.39]				
125. Fraudulent destruction of certain writings [943.40]				
126. Fraudulent use of financial transaction cards (if the value of the money, goods, services, or property exceeds \$5,000 but does not exceed \$10,000 within a period not exceeding six months) [943.41(8)(c)]				
127. Retail theft (if the value of the merchandise exceeds \$5,000 but does not exceed \$10,000) [943.50(4)(bm)]				
128. Criminal slander of title [943.60]				
129. Theft of library material (if the value of the library materials exceeds \$2,500) [943.61(5)(c)]				
130. Crime against computers (if the damage is greater than \$2,500 to the computer, computer system computer network, equipment or supplies) [943.70(3)(b)3]				
131. Unauthorized release of animals lawfully confined without consent [943.75(2m)]				
132. Infecting animals with a contagious disease (threat) [943.76(4)]				
133. False representation of a financial institution to obtain money, goods, services, or a person's personal identifying information [943.80(2)]				
134. Transferring encumbered property, if the value of the property exceeds \$500 but does not exceed \$10,000 [943.84 & 943.91(3)]				
135. Bribery involving a financial institution [943.85]				
136. Extortion against a financial institution [943.86]				
137. Mail fraud involving a financial crime [943.89]				
138. Wire fraud against a financial institution [943.90]				
139. Obscene material or performance (if the person has two or more prior obscenity convictions or if the violation is for a wholesale transfer or distribution of obscene material) [944.21(5)(c)&(e)]				
140. Soliciting prostitutes [944.32]				

Class H Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
141. Keeping a place of prostitution [944.34]				
142. Bribery of a participant in a contest [945.08]				
143. Bribery of public officers and employees [946.10]				
144. Perjury [946.31]				
145. False swearing [946.32(1)]				
146. Obstructing an officer (by giving or providing information or evidence that results in the conviction of innocent person) [946.41(2m)]				
147. Escape by individuals in custody of an agent or officer, based on an alleged violation and probation, parole, or extended supervision [946.42(2m)]				
148. Felony escape [946.42(3)]				
149. Felony failure to report to jail [946.425(1), (1m)(b)&(1r)(b)]				
150. Assisting or permitting escape [946.44(1)]				
151. False information regarding kidnapped or missing persons [946.48]				
152. Felony bail jumping [946.49(1)(b)]				
153. Absconding after being adjudicated delinquent for a Class H felony [946.50(5p)]				
154. Bribery of a witness [946.61]				
155. Simulating legal process (if the act is meant to induce payment of a claim or simulates any criminal process) [946.68(1r)(b)&(c)]				
156. Impersonating a peace officer with intent to commit a crime or aid and abet commission of a crime [946.70(2)]				
157. Tampering with public records [946.72(1)]				
158. Aiding escape from mental institution (with intent to commit a crime against sexual morality with or upon the inmate of the institution) [946.74(2)]				
159. False statements to financial institutions [946.79(2)]				
160. Harassment (if defendant has a prior conviction for certain offenses or intentionally gains access to certain records in order to facilitate the violation)				

Class H Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
[947.013(1v)&(1x)]				
161. Physical abuse of a child (intentionally causing bodily harm) [948.03(2)(b)]			X	
162. Physical abuse of a child (recklessly causing bodily harm to a child by conduct which creates a high probability of great bodily harm) [948.03(3)(c)]			X	
163. Failing to act to prevent bodily harm to a child [948.03(4)(b)]				
164. Causing a child between the ages of 13 and 17 to view or listen to sexual activity [948.055(2)(b)]	X		X	
165. Sexual assault of a child by a school staff person or a person who works or volunteers with children [948.095]	X		X	
166. Neglect of a child, if bodily harm is a consequence [948.21(a)]				
167. Unauthorized placement for adoption [948.24]				
168. Contributing to the delinquency of a child (if the child's act which is encouraged or contributed to is a violation of a criminal law punishable as a felony) [948.40(4)(b)]				
169. Hazing (if the act results in great bodily harm) [948.51(3)(b)]				
170. Leaving a child unattended in a child care vehicle, if death is a consequence, if the person is responsible for the child's welfare [948.53(2)(b)3.]				
171. Selling or giving a dangerous weapon to a person under 18 (if the person under 18 years of age discharges the firearm and the discharge causes death of any person) [948.60(2)(c)]				
172. Receiving stolen property from a child (if the value of the property exceeds \$2,500 but does not exceed \$5,000) [948.62(1)(bm)]				
173. Instigating fights between animals (second or subsequent violation) [951.18(2)]				
174. Harassment of police or fire department animals (causing death to the animal) [951.18(2m)]				
175. Harassment of service dogs, if intentionally causes the death of the dog, or intents to deprive another of				

Class H Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
the use of the dog [951.18(2s)]				
176. Manufacture, distribution or delivery of any other controlled substance included in schedule I, II or III, or a controlled substance analog of any other controlled substance included in schedule I or II [961.41(1)(b)]				
177. Manufacture, distribution or delivery of THC, more than 200 grams but not more than 1,000 grams, or more than four plants containing THC but not more than 20 plants containing THC [961.41(1)(h)2.]				
178. Manufacture, distribution or delivery of a substance included in schedule IV, except flunitrazepam [961.41(1)(i)]				
179. Possession with intent to manufacture, distribute or deliver any other controlled substance included in schedule I, II or III, or a controlled substance analog of a controlled substance included in schedule I or II [961.41(1m)(b)]				
180. Possession with intent to manufacture, distribute or deliver THC, more than 200 grams but not more than 1,000 grams, or more than four plants containing THC but not more than 20 plants containing THC [961.41(1m)(h)2.]				
181. Possession with intent to manufacture, distribute or deliver a substance included in schedule IV, except flunitrazepam [961.41(1m)(i)]				
182. Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, any other counterfeit substance included in schedule I, II, III or IV [961.41(2)(b)]				
183. Possession or attempted possession of gamma-hydroxybutyric acid (GHB), gamma-butyrolactone, 1, 4-butanediol, ketamine or flunitrazepam [961.41(3g)(f)]				
184. Acquire or obtain a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge [961.43(2)]				
185. Possession or disposal of waste from manufacture of methamphetamine, first offense [961.437(4)(a)]				
186. Knowingly solicit, hire, direct, employ, or use				

Class H Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
another to purchase a pseudoephedrine product on his or her behalf, with the intent to acquire more than 7.5 grams of a pseudoephedrine product within a 30-day period, if the person who is solicited, hired, directed, employed, or used to purchase the pseudoephedrine product is an individual less than 18 years old [961.453(1)(b)2.]				
187. Use of, or possession with primary intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or an analog of methamphetamine, if not in the presence of a child aged 14 or younger [961.573(3)(a)]				
188. Delivery, possession with intent to deliver, or manufacture with intent to deliver drug paraphernalia used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack repack or store methamphetamine or an analog of methamphetamine [961.574(3)]				
189. Possession of ephedrine or pseudoephedrine product, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, or pressurized ammonia with intent to manufacture methamphetamine [961.65]				
190. Illegal interception and disclosure of wire, electronic or oral communications [968.31(1)(intro)]				
191. Violation of an oath by a stenographic reporter or typewriter operator in connection with a grand jury [968.43(3)]				

Class I Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
1. Criminal violations of campaign finance statutes [11.61(1)(a) and (b)]				
2. Criminal violations of elections statutes [12.60(1)(a)]				
3. Logrolling by members of the Legislature prohibited [13.05]				
4. Granting of executive favor by members of the Legislature prohibited [13.06]				

Class I Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
5. Political influence violations of conduct standards and ethics codes for state and local public officials [19.58(1)(b)]	X	X	X	X
6. Taking, transporting, acquiring, selling, purchasing, or possessing (or attempting these actions), or failing to comply with any record-keeping requirement for fish with a value exceeding \$1,000 in violation of statutes [29.971(1)(c)]				
7. Possession of clams with a value exceeding \$1,000 in violation of statutes [29.971(1m)(c)]				
8. Failure to render aid in a boating accident that involves injury to a person and the person suffers great bodily harm [30.80(2g)(c)]				
9. Improper release of mines and explored mine land information by employees of the Geological and Natural History Survey or Department of Revenue [36.25(6)(d)]				
10. Employment discrimination against an individual to a levy associated with aids to families with dependent children or Wisconsin Works programs. [49.195(3n)(r)]				
11. Illegal use of food stamps with a value over \$100, but is less than \$5,000, first offense [49.795(8)(a)2.]				
12. Illegal intent to secure public assistance if the value exceeds \$2,000 but does not exceed \$5,000 [49.95(1)(d)]				
13. False statement related to securing or assisting in the securing of housing for persons of low income in order to receive at least \$2,500 but not more than \$25,000 [66.1207(1)(b)]				
14. Fraudulent or destroyed vital statistical record [69.24(1)(intro)]				
15. Tampering with records of the Board of Review with intent to injure or defraud [70.47(18)(a)]				
16. Income tax evasion [71.83(2)(b)3.]				
17. Intentional violation of prize notification laws [100.171(7)(b)]				
18. Violation of commission merchant duties and responsibilities [100.26(2)]				

Class I Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
19. Obtaining, selling, or soliciting a telephone record that pertains to another person without the person's consent [100.525(3)(a)]				
20. Illegal handling and storage of anhydrous ammonia [101.10(4)(b)]				
21. Tampering with carbon monoxide detector in residential building, second or subsequent offense [101.149(8)(c)2.]				
22. Intent to evade collection of uninsured employer levies under the worker's compensation law [102.835(11)]				
23. Violation of an order to cease operation because of a lack of worker's compensation insurance [102.85(3)]				
24. Evading collection of unemployment compensation levies under employment compensation law [108.225(11)]				
25. Receiving money or other considerations for providing false proof of age [125.085(3)(a)2.]				
26. Unauthorized use of armed persons to protect persons or property or to suppress strikes [134.58]				
27. Unlawful possession of cigarettes if the number exceeds 36,000 [139.44(8)(c)]				
28. Knowing and willful failure to report release of a hazardous substance, first offense [166.20(11)(b)1.]				
29. Knowing and willful failure to report release of a hazardous substance, second and subsequent offenses [166.20(11)(b)2.]				
30. Filing of a false document with DFI, business corporation [180.0129(2)]				
31. Filing of a false document with DFI, nonstock corporations [181.0129(2)]				
32. Filing of a false document with DFI, cooperatives [185.825]				
33. Illegal disclosure of information by employees of the Office of Credit Unions [186.235(7)(c)]				
34. Fraudulently obtaining or using a certificate of authority to issue any security by a public service corporation [201.09(2)]				

Class I Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
35. Illegal disclosure of information by employees of the Division of Savings and Loans [215.02(6)(b)]				
36. Giving or accepting money for loans, savings and loans [215.21(21)]				
37. Illegal disclosure of information by employees of the Division of Banking [220.06(2)]				
38. Illegal commission to bank office and employees [221.0637(2)]				
39. Violation of statutes related to the Women, Infant and Children Program, first violation [253.06(4)(b)]				
40. Intentional violations of air pollution statutes and rules, second and subsequent convictions [285.87(2)(b)]				
41. Second or subsequent violation of hazardous waste handling reporting requirements [291.97(2)(c)1.]				
42. False statement to DNR related to used oil facilities, second or subsequent violations [299.53(4)(c)2.]				
43. Illegal delivery of articles to inmates by prison or jail employees [302.095(2)]				
44. Fleeing an officer [346.17(3)(a)]				
45. Negligent use of a vehicle causing great bodily harm [346.65(5)]				
46. Violation of Dental Examining Board statutes, second or subsequent offenses [447.09]				
47. Facilitation of off-track wagering and possession of fraudulent wagering tickets with intent to defraud [562.13(3)]				
48. Forged or altered lottery ticket [565.50(2)]				
49. Intentional violation of any insurance statute or rule [601.64(4)]				
50. Intentional violation of an injunction ordering a respondent to strictly comply with a judgment or order related to a physical placement [767.242(8)]				
51. Solicitation to commit a Class I felony [939.30(2)]				
52. Violation of conditions of lifetime supervision (if the violation also constitutes a felony) [939.615(7)(b)2]				

Class I Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
53. Abortion by a pregnant woman [940.04(4)]				
54. Abortion (various prohibitions) [940.15]				
55. Aggravated battery (causing substantial bodily harm to another by an act done with intent to cause bodily harm) [940.19(2)]				
55a. Aggravated battery (causing substantial bodily harm to another by an act done with intent to cause bodily harm) [940.19(2)] (if "felony murder")	X	X	X	X
56. Aggravated battery to an unborn child (causing substantial bodily harm to an unborn child by an act done with intent to cause bodily harm) [940.195(2)]				
56a. Aggravated battery to an unborn child (causing substantial bodily harm to an unborn child by an act done with intent to cause bodily harm) [940.195(2)] (if "felony murder")	X	X	X	X
57. Battery by a person subject to certain injunctions [940.20(1m)]			X	
57a. Battery by a person subject to certain injunctions [940.20(1m)] (if "felony murder")	X	X	X	X
58. Battery to public officers [940.20(4)]			X	
58a. Battery to public officers [940.20(4)] (if "felony murder")	X	X	X	X
59. Battery to a technical college district or school district officer or employee [940.20(5)]			X	
59a. Battery to a technical college district or school district officer or employee [940.20(5)] (if "felony murder")	X	X	X	X
60. Battery to a public transit vehicle operator or passenger [940.20(6)]			X	
60a. Battery to a public transit vehicle operator or passenger [940.20(6)] (if "felony murder")	X	X	X	X
61. Battery to certain employees of counties, cities, villages, or towns [940.208]				
62. Injury by negligent handling of a dangerous weapon, explosives or fire [940.24]				
63. Abuse of vulnerable adults (reckless or negligent maltreatment under circumstances that are likely to				

Class I Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
cause great bodily harm) [940.285(2)(b)1r]				
64. Intentional abuse of vulnerable adults under circumstances that are likely to cause bodily harm [940.285(2)(b)2]				
65. Abuse of residents of penal facilities [940.29]				
66. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that are likely to cause bodily harm [940.295(3)(b)2]			X	
66a. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that are likely to cause bodily harm [940.295(3)(b)2] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
67. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstance that are likely to cause great bodily harm [940.295(3)(b)3]			X	
67a. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstance that are likely to cause great bodily harm [940.295(3)(b)3] (if offense causes death, great bodily harm, or bodily harm to victim)	X	X	X	X
68. Stalking (if the victim suffers fear of bodily injury or death, or defendant has certain prior convictions against same victim) [940.32(2)&(2e)]				
69. Interfering with fire fighters or a fire alarm system [941.12(1)]				
70. Distributing, or possessing with intent to distribute, a hazardous substance, and knowing or having reason to know that the hazardous substance will be abused (does not apply to a person who distributes a hazardous substance in an ordinary course of business) [941.316(3)]				
71. Placing foreign objects in edibles [941.325]				
72. Tampering with household products [941.327(2)(b)1]			X	
73. False information concerning an act that constitutes tampering with household products [941.327(3)]			X	
74. Obstructing emergency or medical personnel with				

Class I Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
reasonable grounds to believe that the interference may endanger another's safety [941.37]				
75. Throwing or discharging bodily fluids at public safety workers [941.375(2)]				
76. Soliciting a child to participate in criminal gang activity [941.38(2)]				
77. Unlawful visual representations of nudity [942.09]				
78. Damage to certain property [943.01(2)]			X	
79. Criminal damage to plant research and development [943.01(2d)]				
80. Criminal damage to certain coin-operated or card-operated machines with intent to commit theft [943.01(2g)]				
81. Damage or threat to damage property of a witness [943.011(2)]			X	
82. Criminal damage to or graffiti on religious and other property [943.012]				
83. Criminal damage to property of a judge [943.013(2)]			X	
84. Criminal damage to property of a Department of Revenue employee [943.015]				
85. Graffiti to certain property [943.017(2)]				
86. Graffiti to property of a witness [943.017(2m)(b)]				
87. Arson of property other than a building [943.03]				
88. Possession of burglarious tools [943.12]				
89. Theft (if the value of the property exceeds \$2,500 but does not exceed \$5,000) [943.20(3)(bf)]				
90. Theft of trade secrets [943.205]				
91. Unauthorized transfer of recorded sounds if fewer than 1,000 records during a 180-day period and the value exceeds \$2,500 [943.207(3m)(b)]				
92. Recording performance without consent of performance owner if involving fewer than 1,000 sound recordings or 100 audiovisual recordings during a 180-day period and the value exceeds \$2,500 [943.208(2)(b)]				

Class I Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
93. Failure to disclose manufacturer of recording if fewer than 100 recordings during a 180-day period and the value exceeds \$2,500 [943.209(2)(b)]				
94. Fraud on a hotel or restaurant keeper or taxicab operator (if the value of the service exceeds \$2,500) [943.21(3)(b)]				
95. Operating a vehicle without owner's consent [943.23(3)]				
96. Removing a major part of a vehicle without owner's consent [943.23(5)]				
97. Issuing worthless checks for more than \$2,500 [943.24(2)]				
98. Removing or damaging encumbered real property (if the security is impaired by more than \$1,000) [943.26(2)]				
99. Possession of records of certain usurious loans [943.27]				
100. Threats to communicate derogatory information [943.31]				
101. Receiving stolen property (if the value exceeds \$2,500 but does not exceed \$5,000) [943.34(1)(bf)]				
102. Fraudulent insurance or employee benefit claim (if the value of the claim or benefit exceeds \$2,500) [943.395(2)(b)]				
103. Certain financial transaction card crimes [943.41(8)(b)]				
104. Fraudulent use of financial transaction cards (if the value of the money, goods, services or property exceeds \$2,500 but does not exceed \$5,000 within a period not exceeding six months) [943.41(8)(c)]				
105. Theft of telecommunications service (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.45(3)(d)]				
106. Theft of commercial mobile service (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.455(4)(d)]				
107. Theft of cable television service (for direct or				

Class I Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
indirect commercial advantage or private financial gain as a second or subsequent offense) [943.46(4)(d)]				
108. Theft of satellite cable programming (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.47(3)(d)]				
109. Use of recording device in a movie theatre without written consent (second or subsequent offense) [943.49(2)(b)2]				
110. Retail theft (if the value of the merchandise exceeds \$2,500 but does not exceed \$5,000) [943.50(4)(bf)]				
111. Computer crime (if the offense is committed to defraud or to obtain property) [943.70(2)(b)2 & (3)(b)2]				
112. Unauthorized release of animals (third or subsequent violation) [943.75]				
113. Transfer of encumbered property, if the value of the property does not exceed \$500, and the person has previously been convicted of burglary, possession of burglary tools, misappropriation, or a crime against financial institutions [943.84 & 943.91(2)]				
114. Bigamy [944.05]				
115. Adultery [944.16]				
116. Commercial gambling except if violation involves five or less video gambling machines in a tavern [945.03(1m)]				
117. Dealing in gambling devices, except if the violation involves a video gambling machine [945.05(1)]				
118. Permitting seditious assembly [946.03(2)]				
119. Special privileges from public utilities [946.11]				
120. Misconduct in public office [946.12]	X	X	X	X
121. Private interest in public contracts [946.13]				
122. Purchasing claims at less than full value [946.14]				
123. Public construction contracts at less than full rate [946.15(1)&(3)]				
124. Failure to comply with an officer's attempt to take				

Class I Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
person into custody [946.415]				
125. Throwing or expelling blood, semen, vomit, saliva, urine, feces or other bodily substance at or toward an officer, employee or visitor of the prison or facility or another prisoner of the prison or facility by a prisoner under certain circumstances [946.43(2m)]			X	
126. Tampering with a global positioning system tracking device [946.465]	X	X	X	X
127. Harboring or aiding felons [946.47]				
128. Bail jumping by a witness [946.49(2)]				
129. Absconding after being adjudicated delinquent for a Class I felony [946.50(5t)]				
130. Destruction of documents subject to subpoena [946.60]				
131. Communicating with jurors [946.64]				
132. Obstructing justice [946.65]				
133. Simulating legal process [946.68(1r)(a)]				
134. Falsely assuming to act as a public officer or employee [946.69]				
135. Premature disclosure of search warrant [946.76]				
136. Intentionally disrupt a funeral or memorial service, if previously convicted of disrupting a funeral or memorial service [947.011(3)(b)]				
137. Harassment (if the person had a prior conviction for harassing the same victim that occurred within the last seven years) [947.013(1t)]				
138. Bomb scares [947.015]			X	
139. Threats to release chemical, biological, or radioactive substances [947.017(2)]				
140. Physical abuse of a child (recklessly causing bodily harm) [948.03(3)(b)]			X	
141. Exposing a child to harmful material [948.11(2)(a)]	X		X	
142. Exposing a child to harmful narratives or descriptions [948.11(2)(am)]	X		X	
143. Possession of child pornography, if the actor is under	X		X	

Class I Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
the age of 18 when the offense occurs [948.12(3)(b)]				
144. Intentionally capturing a representation of a minor by a sex offender, without the written consent of the minor's parent, legal custodian, or guardian [948.14]				
145. Failure to support (for 120 or more consecutive days) [948.22(2)]				
146. Concealing death of child [948.23]				
147. Interference with custody of a child [948.31(2)]				
148. Leaving a child unattended in a child care vehicle, if bodily harm is a consequence, if the person is responsible for the child's welfare [948.53(2)(b)2.]				
149. Giving a dangerous weapon to a person under 18 years of age [948.60(2)(b)]				
150. Possession of a gun in a gun free school zone [948.605(2)]	X	X	X	X
151. Possession of a dangerous weapon on school premises (second or subsequent conviction) [948.61(2)(b)]	X	X	X	X
152. Receiving stolen property from a child (if the value exceeds \$500 but is less than \$2,500) [948.62(1)(b)]				
153. Mistreating an animal (if the mistreatment results in the mutilation, disfigurement or death of the animal or if the animal is a police or fire department animal and the animal is injured) [951.18(1)]				
154. Instigating fights between animals (first offense) [951.18(2)]				
155. Harassment of a police or fire department animal and causing injury to the animal [951.18(2m)]				
156. Harassment of a service dog, if intentionally causes injury to dog or recklessly causes death of dog [951.18(2s)]				
157. Manufacture, distribution or delivery of THC, two hundred grams or less, or four or fewer plants containing THC [961.41(1)(h)1.]				
158. Manufacture, distribution or delivery of a substance included in schedule V [961.41(1)(j)]				
159. Possession with intent to manufacture, distribute or				

Class I Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
deliver THC, two hundred grams or less, or four or fewer plants containing THC [961.41(1m)(h)1.]				
160. Possession with intent to manufacture, distribute or deliver a substance included in schedule V [961.41(1m)(j)]				
161. Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, a counterfeit substance included in schedule V [961.41(2)(d)]				
162. Possession of a narcotic included in schedule I or II [961.41(3g)(am)]				
163. Possession or attempted possession of cocaine or cocaine base, second or subsequent offense [961.41(3g)(c)]				
164. Possession or attempted possession of lysergic acid diethylamide, phencyclidine, amphetamine, methcathinone, psilocin or psilocylin, second or subsequent offense [961.41(3g)(d)]				
165. Possession or attempted possession of methamphetamine or a controlled substance analog of methamphetamine [961.41(3g)(g)]				
166. Possession or attempted possession of THC, second or subsequent offense [961.41(3g)(e)]				
167. Purchase of more than 7.5 grams of pseudoephedrine contained in a pseudoephedrine product within a 30-day period (does not apply to a physician, dentist, veterinarian, or pharmacist, or purchase authorized by physician, dentist, or veterinarian) [961.41(3j)]				
168. Distribution or delivery of imitation controlled substance [961.41(4)(am)3.]				
169. Keeping of a drug house [961.42(2)]				
170. Knowingly solicit, hire, direct, employ, or use another to purchase a pseudoephedrine product on his or her behalf, with the intent to acquire more than 7.5 grams of a pseudoephedrine product within a 30-day period [961.453(1)(b)1.]				
171. Purchase a pseudoephedrine product on behalf of another with the intent to facilitate another person's manufacture of methamphetamine [961.453(2)]				

Class I Felonies				
	Positive Adjustment Time	Risk Reduction	Bifurcated Sentence Modification	Discharge from Extended Supervision
172. False statement to qualify for assignment of a Public Defender [977.06(2)(b)]				

ATTACHMENT 2

Violent Class F to I Felonies

[Eligible for positive adjustment time of one day for every three days served;
ineligible for bifurcated sentence modification]

Class F Felonies

1. Second-degree reckless injury [940.23(2)]
2. Abuse and neglect of patients and residents (intentional abuse or neglect that causes great bodily harm) [940.295(3)(b)1r]
3. Endangering safety by intentionally discharging a firearm from a vehicle while on a highway or public parking lot [941.20(3)(a)]
4. Modifying a firearm to make it a machine gun [941.26(2)(b)]
5. First-degree recklessly endangering safety [941.30(1)]
6. Causing great bodily harm by tampering with household products [941.327(2)(b)3]
7. Assault by prisoners [946.43(1m)]
8. Failure by a person responsible for the welfare of a child to prevent great bodily harm to a child [948.03(4)(a)]

Class G Felonies

48. Homicide by negligent handling of a dangerous weapon, explosives or fire [940.08]
49. Homicide by negligent operation of a vehicle [940.10]
50. Abuse and neglect of patients and residents (intentional abuse or neglect that is likely to cause great bodily harm) [940.295(3)(b)1r]
51. Felony intimidation of a witness [940.43]
52. Felony intimidation of a victim [940.45]
53. Endangering safety (by discharging firearm into a vehicle or building or setting a spring gun) [941.20(2)]
54. Second-degree recklessly endangering safety [941.30(2)]
55. Physical abuse of a child (recklessly causing great bodily harm) [948.03(3)(a)]

Class H Felonies

1. Aggravated battery (causing great bodily harm to another by an act done with intent to cause bodily harm; or causing bodily harm to another by conduct that creates a substantial risk of great bodily harm) [940.19(4)]
2. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause bodily harm; or causing bodily harm to an unborn child by conduct that creates a substantial risk of great bodily harm) [940.195 (4)&(6)]
3. Battery by prisoners [940.20(1)]
4. Battery by persons committed to institutional care for sexually violent persons [940.20(1g)]
5. Battery to law enforcement officers, fire fighters and commission wardens [940.20(2)]
6. Battery to probation and parole agents and aftercare agents [940.20(2m)]
7. Battery to jurors [940.20(3)]
8. Battery to an emergency department worker, an emergency medical technician, a first responder or an ambulance driver [940.20(7)(b)]
9. Battery or threat to witnesses [940.201]
10. Battery or threat to a judge [940.203]
11. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that cause bodily harm [940.295(3)(b)2]
12. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstances that cause great bodily harm [940.295(3)(b)3]

13. Selling, possessing, using or transporting a machine gun [941.26(2)(a)]
14. Sale or commercial transportation of a tear gas device [941.26(2)(e)]
15. Using a tear gas device to cause bodily harm or bodily discomfort to a peace officer [941.26(2)(f)]
16. Using or threatening to use a tear gas or pepper spray device during commission of a crime to cause bodily harm or bodily discomfort to another [941.26(2)(g)&(4)(e)]
17. Using pepper spray device to cause bodily harm or bodily discomfort to a peace officer [941.26(4)(d)]
18. Creating a high probability of great bodily harm to another by tampering with household products [941.327(2)(b)2]
19. Arson with intent to defraud [943.04]
20. Possession, manufacture or transfer of a fire bomb [943.06]
21. Threats to injure or accuse of a crime (extortion) [943.30]
22. Physical abuse of a child (intentionally causing bodily harm) [948.03(2)(b)]
23. Physical abuse of a child (recklessly causing bodily harm to a child by conduct which creates a high probability of great bodily harm) [948.03(3)(c)]

Class I Felonies

173. Battery by a person subject to certain injunctions [940.20(1m)]
174. Battery to public officers [940.20(4)]
175. Battery to a technical college district or school district officer or employee [940.20(5)]
176. Battery to a public transit vehicle operator or passenger [940.20(6)]
177. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that are likely to cause bodily harm [940.295(3)(b)2]
178. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstance that are likely to cause great bodily harm [940.295(3)(b)3]
179. Tampering with household products [941.327(2)(b)1]
180. False information concerning an act that constitutes tampering with household products [941.327(3)]
181. Damage to certain property [943.01(2)]
182. Damage or threat to damage property of a witness [943.011(2)]
183. Criminal damage to property of a judge [943.013(2)]
184. Throwing or expelling blood, semen, vomit, saliva, urine, feces or other bodily substance at or toward an officer, employee or visitor of the prison or facility or another prisoner of the prison or facility by a prisoner under certain circumstances [946.43(2m)]
185. Bomb scares [947.015]
186. Physical abuse of a child (recklessly causing bodily harm) [948.03(3)(b)]



Legislative Fiscal Bureau

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March 16, 2010

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Corrections: Section 13.10 Request to Transfer Funding to Becky Young Community Corrections Appropriation -- Agenda Item IV

REQUEST

The Department of Corrections requests the transfer of \$10,000,000 GPR from the Joint Committee on Finance's supplemental appropriation [s. 20.865(4)(a)] to the Department's Becky Young Community Corrections appropriation [s. 20.410(1)(ds)], including \$70,000 GPR in 2009-10 and \$9,930,000 GPR and 9.0 GPR positions in 2010-11.

BACKGROUND

The Becky Young Community Corrections appropriation was created in the 2009-11 biennial budget act, Act 28, along with statutory language (s. 301.068) to provide services to persons who are on probation, or who are soon to be or are currently on parole or extended supervision, following a felony conviction, in an effort to reduce recidivism. The provisions were adopted from recommendations by the Legislative Council's, the Justice Reinvestment Initiative Oversight Committee (JRIO Committee). The JRIO Committee worked with the Council of State Governments' Justice Center to review the state's criminal justice trends and develop policy options related to correctional practices.

Section 301.068, Community Services to Reduce Recidivism, specifies:

- Corrections must establish community services that have the goals of increasing public safety, reducing the risk that offenders on community supervision will reoffend, and reducing by 2010-11 the recidivism rate of persons who are on probation, parole, or extended supervision following a felony conviction. In establishing community services, Corrections must

consider the capacity of existing services and any needs that are not met by existing services.

- Community services to reduce recidivism must include all of the following: (a) alcohol and other drug treatment, including residential treatment, outpatient treatment, and aftercare; (b) cognitive group intervention; (c) day reporting centers; and (d) treatment and services that evidence has shown to be successful and to reduce recidivism.

- Corrections must ensure that community services meet all of the following conditions: (a) services target offenders at a medium or high risk for revocation or recidivism as determined by valid, reliable, and objective risk assessment instruments that Corrections has approved; (b) services provide offenders with necessary supervision and services that improve their opportunity to complete their terms of probation, parole, or extended supervision, and may include employment training and placement, educational assistance, transportation, and housing, (services must focus on mitigating offender attributes and factors that are likely to lead to criminal behavior); (c) services use a system of intermediate sanctions on offenders for violations; and (d) services are based upon assessments of offenders using valid, reliable, and objective instruments that Corrections has approved.

- Corrections must develop a system for monitoring offenders receiving community services that evaluates how effective the services are in decreasing the rates of arrest, conviction, and imprisonment of the offenders receiving the services.

- Corrections must provide training and skill development to probation, extended supervision, and parole agents in reducing offenders' risk of reoffending and intervention techniques and must by rule set forth requirements for the training and skill development. Further, Corrections must develop policies to guide probation, extended supervision, and parole agents in the supervision and revocation of offenders on probation, extended supervision, and parole and develop practices regarding alternatives to revocation of probation, extended supervision, or parole.

- Corrections must annually submit a report to the Governor, the Chief Clerk of each house of the Legislature for distribution to the appropriate standing committees under s. 13.172(3), and the Director of State Courts. The report must set forth: (a) the scope of established community services; (b) the number of arrests of, convictions of, and prison sentences imposed on offenders receiving the community services; and (c) the progress toward recidivism reduction.

Funding of \$10,000,000 GPR was provided in Act 28 for the above provisions. The funding was placed in the Joint Committee on Finance's supplemental appropriation for the Department to request after submitting its plan on providing community services.

In addition to funding for the Becky Young Community Corrections appropriation, Act 28 provided a total of \$30,851,600 GPR for purchase of services funding in the Department of Corrections. Purchase of services funding generally supports assessment and treatment services,

employment services, day reporting centers, emergency housing, halfway houses, sex offender treatment, polygraph tests, temporary living placements, urinalysis testing and miscellaneous offender services.

ANALYSIS

The Department requests the transfer of \$10,000,000 GPR from the Committee's supplemental appropriation to the Department's Becky Young Community Corrections appropriation for providing services to persons who are on probation, or who are soon to be or are currently on parole or extended supervision, following a felony conviction, in an effort to reduce recidivism.

The Department's request includes the following components:

- **Risk Assessment/Case Planning System.** The Department requests \$795,400 GPR to purchase a new risk and needs assessment system and primary program assessments for adult offenders in the Divisions of Adult Corrections and Community Corrections. The system would include the Northpointe Compass Risk, Needs and Case Planning system for assessing the appropriate programming needs of an offender. According to the Department's plan:

"Ensuring successful community integration, either from prison or while on community supervision, requires employing a risk assessment instrument/system that measures each person's propensity to re-offend, as well as the needs and factors that may influence this propensity. Employing a proper risk and needs system will inform the offender and staff, who work with the offender on how to best assign the person to correctional programming, as we seek to address the offenders' criminogenic factors, life skills, and attitudes.

Assessment will be administered at the beginning of the correctional process. The goal of the assessment is to provide informed decisions about the degree of restrictions that an offender should be given based on the offender's history and seriousness of the current offense. The assessment will contribute to the development of a unified case plan, assisting the offender to become a productive citizen and contributing member of society. Re-assessments will be administered periodically during the offender's supervision."

Funding for the risk assessment/case planning system for all adult offenders assumes a five-year master lease, with two payments annually and a 6% interest rate, for a total of \$606,700 GPR in 2010-11. Master lease agreements are contractual obligations of the state. Under the master lease agreement, funding of \$606,700 would be required annually until 2014-15, when the master lease would conclude. In addition, the Department requests \$188,700 GPR for primary program assessments of offenders entering the prison system (approximately 9,000 offenders annually). According to the Department, the funding "includes staff training and skill development in the

administration of risk/needs/case planning."

- **Programs/Interventions - Cognitive-Based Transitional Living Program.** The Department requests \$1,514,300 GPR for additional transitional living services to offenders reentering the community, including transitional living beds (45 to 60 day average placement), alcohol and other drug abuse (AODA) treatment services, and employment programs. Funding assumes providing new transitional living placements and services to approximately 470 offenders annually at a cost of \$3,200 per offender. Services would be provided at sites with a minimum of eight beds per site. Counties with the new placements under Corrections' plan are identified on Table 1.

TABLE 1

New Transitional Living Beds

<u>County</u>	<u>Beds</u>
Dane	8
Racine	8
Milwaukee	12
Winnebago/Outagamie	8
Chippewa	8
Marathon	8
Fond du Lac	8
Waukesha	8
LaCrosse	8
To Be Determined	3

- **Programs/Interventions - Employment Strategies.** The Department requests \$1,773,900 GPR for employment services, including: (a) \$90,100 for a vocational training program for 12 offenders at the Taycheedah Correctional Institution (TCI); (b) \$593,900 and 3.0 case manager positions for a Community Corrections Employment Program, providing employer job training grants, subsidized employment, scholarships, and case management support; and (c) \$1,089,900 and 1.0 policy and implementation coordinator to expand the Windows to Work program, providing pre- and post-release services to participants in the state's workforce investment board regions.

The Taycheedah vocational training program would provide offenders the opportunity to earn a Barber/Cosmetologist diploma through the Moraine Park Technical College, a sixteen-month program. According to Corrections:

"The primary focus of this program is to give women new jobs skills for successful reentry as well as parity to the male offender programs. TCI cosmetology program

will include, but not be limited to the following skills: hairstyling, haircutting, hair coloring, highlighting, permanent waves, nail care, salon services and facials. Students will also study chemistry, anatomy, and occupational communications, as well as to be able to demonstrate basic math and computer proficiency as part of the 45 credit technical college program. Inmates will complete their practicum or on-the-job training components with participations providing haircuts and related services to other inmates in the facility. State board exams will be conducted on-site at TCI."

Funding for the Community Corrections Employment Program (CCEP) assumes \$375,400 to provide: (a) 85 additional offenders subsidized employment (\$295,800); (b) employer grants for 68 additional offenders (\$68,000); and (c) funding for scholarships and assistance with identification documents (\$11,600). The program is designed to provide employment training. Corrections' plan states:

"The emphasis on exposure to the world of work and the acquisition of basic work skills provides the opportunity for job performance evaluation and counseling of participants on employer's expectations in 'real world' employment settings. The program assists in supporting his/her family, making payments for court ordered obligations, and earning necessary living expenses during the period of community supervision. The program also assists the offenders in finding permanent jobs through development of good work habits.

CCEP offers employers on-the-job training grants if the employer hires an offender into a full-time permanent position. CCEP also provides scholarships of up to \$600 for offenders who have participated in one of their programs. The Work Experience portion of CCEP pays an employer \$7.25 per hour for the offender's wages to provide work experience for the offender. CCEP also pays the employer's share of FICA."

Funding for the Windows to Work program (\$1,089,900) would support approximately 337 offenders at a cost of \$2,500 annually, and include a centralized coordinator position for the program.

Windows to Work is a public/private partnership that provides pre- and post-release employment training to offenders. Services are provided for 12 months after release (and may be extended an additional 12 months). "Beginning six months prior to release, the Windows to Work case managers provide participants with classroom training in areas of employability, employment law, career path planning, personal development, values clarification, money management, Rent Smart, child support and other related issues." Subsequent to release, case managers help offenders with employment issues. "Participants receive assistance in accessing available community resources to address needs for food, clothing and medical/psychological care. When participants obtain employment, they become eligible for assistance with transportation, uniforms, tools and other items needed for the performance of job duties. Participants who retain employment may

apply for financial assistance to help pay for vocational training to further their careers."

Currently, Windows to Work operates only in the Milwaukee Workforce Development Board area, and at the Oshkosh Correctional Institute through the Bay Area Workforce Development Board, using private and federal funds. Funding under the request is intended to expand the program statewide to the other nine Workforce Development Boards. According to Corrections' request, funding would be divided between the state's Workforce Development Boards as identified in Table 2.

TABLE 2

Windows to Work Funding

<u>Workforce Development Board</u>	<u>Amount</u>
Southeast	\$115,000
Milwaukee	300,000
Waukesha, Ozaukee and Washington	50,000
Fox Valley	50,000
Bay Area	100,000
North Central	50,000
North West	50,000
West Central	50,000
Western	50,000
South Central	95,000
Southwest	50,000
Identification Documents	7,300

• **Programs/Interventions - Treatment Services for Offenders with Serious and Persistent Mental Illness.** The Department requests \$2,671,200 GPR and 1.0 contract specialist position for services to address the treatment needs of offenders with serious and persistent mental illness, including: (a) \$1,110,000 for reentry mental health treatment services for offenders at the Department of Health Service's Wisconsin Resource Center (WRC), which includes technical assistance and program coordination from the Council of State Governments; (b) \$675,100 for reentry mental health treatment services for female offenders at the Taycheedah Correctional Institution, including technical assistance and program coordination from the Council of State Governments; and (c) \$886,100 for contracted benefit specialists to provide reentry services to approximately 355 offenders with serious mental health or medical diagnoses, including benefit and re-integration assistance.

The Department indicates that it will contract with the Department of Health Services for reentry mental health treatment services at the Wisconsin Resource Center, based on Health Services' conditional release program. Further, the Department will contract with the Council of State Governments during the first months of implementation to provide technical assistance and

coordination of the program (\$70,000 in 2009-10). According to Corrections:

"The program will serve up to 52 inmates (phased-in at approximately 4 per month) during the first year of implementation (FY11). The inmates served during the first year of this program will be those being released into 23 counties in the Fox Valley and Southeastern regions of Wisconsin. Those regions are served by contract agencies which are willing and able to accept new clients quickly. To ensure effectiveness, the inmates accepted into the program must have a minimum of 6 months of community supervision prior to discharge. In addition, the program model requires that WRC serve as a single point of entry into the program for male inmates to allow consistent assessment of inmate appropriateness for the program, and proper pre-release planning and treatment."

Reentry mental health treatment services at Taycheedah Correctional Institution are also based on the conditional release program, but will be administered by the Department. The program is designed to serve up to 36 offenders in the first year. Also associated with the female program, the request includes \$78,200 GPR and 1.0 GPR position to coordinate Corrections' program.

Funding for treatment services for offenders with serious and persistent mental illness would also support six contracted benefit specialists to assist approximately 355 offenders who are nearing release to apply for social security or other benefits. Benefit specialists would help offenders apply for social security benefits and/or Medicaid:

"Inmates with serious and persistent health and mental health illnesses present a myriad of complex needs and challenges for reentry planning and integration into the community. Access to medical services is critical to many inmates under DOC supervision and when an inmate lacks the capability to be gainfully employed due to age, medical or mental health conditions, their access to medical services is impacted."

- **Programs/Interventions - Cognitive Intervention, Transitional Outreach, Family Reintegration.** The Department requests \$1,761,700 GPR for offender services that include: (a) \$728,700 for cognitive intervention programming, a 60-hour weekly program, for approximately 2,100 offenders in prison nearing release and supervised in the community; (b) \$594,000 for transitional service coordinators to work with approximately 620 high-risk offenders returning from prison to Brown, Dane, Kenosha, Milwaukee, Racine, Rock, and Waukesha Counties (counties with the highest number of prison releases each year); (c) \$296,400 for Community Circles of Support to work with approximately 270 offenders in Fond du Lac, Winnebago, and Outagamie Counties, to address the gap in current prisoner reentry services; and (d) \$142,600 for a family reintegration program in Milwaukee, including family crisis intervention, support meetings, support programming for children, identification of community resources, and information access.

Corrections defines cognitive interventions as a "program which teaches specific strategies or techniques to enable offenders to:

1. Identity for themselves the specific thoughts that support their criminal behavior (self-observation);
2. See and appreciate the pattern and consequences of their thinking;
3. Utilize reasoning and problem solving, self-talk, social interaction skills as a means of controlling and changing their thinking; and
4. Recognize that they have choices and can make a conscious decision to change or not to change."

The cognitive intervention programs are designed as "pre-treatment" programs consisting of two phases: Phase 1 "teaches participants the skills needed to monitor their thinking (specifically those thoughts that are related to problem/criminal behavior);" and Phase 2 is designed to "improve problem-solving and decision making skills."

Funding for cognitive intervention programs would be divided as indicated in Table 3 between the Division of Community Corrections regions (statewide) and the Division of Adult Institutions.

TABLE 3

Cognitive Intervention Program Funding

<u>Location Division of Community Corrections Region</u>	<u>Offenders Served</u>	<u>Cost</u>
South Central (Madison)	98	\$32,800
South East (Racine)	145	48,600
Milwaukee	480	160,800
Northeastern (Neenah)	180	60,300
Northwest (Eau Claire)	120	40,200
Northern (Rhinelander)	120	40,200
Eastern (Waukesha)	300	100,500
Southwest (Wautoma)	<u>50</u>	<u>16,800</u>
Community Corrections Total	1,493	\$500,200
Adult Institutions Total	639	\$214,400
Identification Documents		<u>14,400</u>
Total		\$728,700

In addition, the Department requests \$594,000 for transitional outreach and family reintegration to hire contract transition service coordinators. Corrections indicates that these workers would do the following:

- "• Meet with agent and offender prior to release to identify risk and

protective factors;

- Create and identify Neighborhood Stakeholders and create an inventory of services and informational institutions of support within neighborhood;
- Create neighborhood support teams (i.e. volunteers who assist offender with reentry including family, faith based institutions, residents, local business operators, victim advocates, block club captains, community liaison officers and service providers to develop a reentry plan in a "wraparound approach" between agent, transition worker and Neighborhood Team members;
- Meet with offenders (individually/groups) at least two (2) times/week to assist offender to follow through with reentry plan, and;
- Neighborhood Support Team will meet with the offender within five working days of release to "Welcome Home the Offender" and to facilitate the local community reintegration process.

The team will also provide assistance to help family members support offenders in overcoming and addressing dynamic risk factors. The team will both oversee the reentry process for the offender and assist with accessing local services and support. Following the original "Welcome Home Meeting" the team will meet with offender every 30-45 days."

Funding for transition services would be provided as indicated in Table 4.

TABLE 4

Transition Services Funding

<u>Location</u>	<u>Offenders Served</u>	<u>Cost</u>
Brown	41	\$38,232
Dane	65	61,020
Kenosha	46	43,317
Milwaukee	350	329,301
Racine	62	57,913
Rock	31	28,815
Waukesha	30	28,438
Identification Documents	_____	<u>7,013</u>
Total (round)	623	\$594,000

Under the request, the Circles of Support program is allocated \$296,400 for Community Circles of Support (CCOS) and includes \$120,500 to contract for Driver's License Recovery that

will serve offenders in either the advice or case management categories. Corrections' plan indicates that "individualized 'Plans for Success' are drawn together with each participant. Outcomes include, but are not limited to the following: securing stable housing, obtaining and maintaining satisfactory employment; reducing supervision rules violations; strengthening family systems; maintaining sobriety; increasing pro-social behaviors; and providing additional transition planning and support. The overall goals for the program are to reduce recidivism and contribute to public safety."

Under the program "citizen volunteers" would be recruited. Offenders would meet with volunteers "as frequently as needed (weekly or bi-weekly). Trained citizen volunteers facilitate pro-social support groups and individual meetings with participants which provide participants with support, advice, and resource linkage during this critical time period, (six to twelve months after release from prison). Ideally, each Circle can accommodate about 6-8 participants depending on the mode of service delivery (e.g., individual, group, or combination of individual and group sessions). Citizen volunteers undergo an 8 hour specialized training curriculum currently provided by the Corrections Concerns Committee and Community Circles of Support to help them participate more effectively in Circles."

Under the plan, \$142,600 would be allocated to pilot a family reintegration program in Milwaukee County. Services would include family crisis intervention, support meetings, support groups/activities for children of offenders, identification of community resources, information access, and communication networking. Services will be provided through a contact with the Family Connections Program in Milwaukee County.

- **Programs/Interventions - AODA Relapse Treatment.** The Department requests \$235,200 to provide relapse AODA services to 960 offenders on community supervision, based on the average cost of \$245 per offender. Funding would be provided as indicated in Table 5.

TABLE 5

AODA Relapse Treatment Funding

<u>Location Division of Community Corrections Region</u>	<u>Offenders Served</u>	<u>Cost</u>
South Central (Madison)	-	-
South East (Racine)	50	\$12,300
Milwaukee	404	99,000
Northeastern (Neenah)	-	-
Northwest (Eau Claire)	131	32,100
Northern (Rhinelander)	100	24,500
Eastern (Waukesha)	175	42,900
Southwest (Wautoma)	<u>100</u>	<u>24,500</u>
Total	960	\$235,200

- **Programs/Interventions - County Jail Recidivism Reduction Pilot Programs.** The Department requests \$150,000 GPR for a county jail recidivism reduction pilot project to be implemented at the Green Lake County jail (\$100,000) and Bayfield County jail (\$50,000). Funding for the programs would be used to address inmates' multiple needs, including mental health, substance abuse, counseling, educational needs, and pre-release services.

According to Corrections:

"Increasingly, the DOC recognizes that people returning to communities from jails are more likely than not to be on some form of community corrections supervision and just as offenders releasing from prison, the offenders releasing from jail also impact public safety, community health and public budgets. Jails differ from prisons in their shorter length of stay, but offenders in, and releasing from, jail face the same problems as those releasing from prison. Jail staff efforts to reduce recidivism differ from prison staff efforts in some dimensions including intervention settings and the resources available to assist offender with discharge or transitional planning."

On a pilot basis, funding is intended for state support of programs which may help address recidivism of offenders incarcerated in county jails.

- **Evaluating the Quality of Existing Investments in Risk Reduction Programming.** The Department requests \$1,098,300 GPR for program evaluation and data warehouse development, as follows: (a) \$523,300 GPR (including \$30,300 in one-time funding) and 4.0 positions to conduct regional program coordination and evaluation of programs; (b) \$225,000 for 3,000 hours of contract staff time to develop programming for a data warehouse; and (c) \$350,000 to contract with Dr. Edward Latessa and staff from the University of Cincinnati to administer a Correctional Program Checklist on up to 20 programs, selected by the Department, and to develop a partnership with the University of Wisconsin for ongoing quality assessments of programming. Dr. Latessa is director of the School of Criminal Justice at the University of Cincinnati and has conducted research projects and assessments of correctional programs throughout the United States.

Table 6 summarizes the various components of the Department's plan and the requested funding associated with each component.

TABLE 6

**Becky Young Community Corrections
2010-11 Plan and Funding***

<u>Plan Component</u>	<u>Funding</u>	<u>Positions</u>
1. Risk Assessment/Case Planning System	\$795,400	
2. Programs/Interventions		
a. Cognitive-Based Transitional Living Program	\$1,514,300	
b. Employment Strategies		
i. Taycheedah Vocational Training	90,100	
ii. Community Corrections Employment Program	593,900	3.00
iii. Windows to Work Program	1,089,900	1.00
c. Treatment Services for Offenders with Serious and Persistent Mental Illness		
i. Conditional Release Programming, Wisconsin Resource Center, and technical assistance from Council of State Governments	1,110,000	
ii. Conditional Release Programming, Taycheedah, and technical assistance from Council of State Governments	675,100	1.00
iii. Benefits Specialists for Offenders with Serious and Persistent Mental Illnesses	886,100	
d. Cognitive Intervention/Transitional Outreach/Family Reintegration		
i. Cognitive Interventions Programming	728,700	
ii. Transitional Outreach Program	594,000	
iii. Community Circles of Support	296,400	
iv. Family Reintegration	142,600	
e. AODA Relapse Treatment	235,200	
f. County Jail Recidivism Reduction Pilot Programs	150,000	
3. Program Evaluation		
a. Community Programs and Evaluation Coordinators	523,300	4.00
b. Data Warehouse Development and Maintenance	225,000	
c. Program Effectiveness Evaluation by Dr. Edward Latessa, University of Cincinnati, School of Criminal Justice	<u>350,000</u>	
Becky Young Community Corrections Total	\$10,000,000	9.00

* Funding includes \$70,000 in 2009-10 for technical assistance and program coordination from the Council of State Governments. The remaining funding is for services in 2010-11.

The Department of Corrections' request identifies plan components that are designed to meet the requirements of s. 301.068. The request would release the entire \$10 million from the Committee's appropriation. If after reviewing the plan, the Committee believes that one or more of the plan components should not be implemented at this time, these items may be deleted. Under this alternative, funding would remain in the Committee's appropriation for future release.

[Alternative 2]

It is still too early to know how effective the community services proposed will be, and whether or not they will succeed at "increasing public safety, reducing the risk that offenders on community supervision will reoffend, and reducing by 2010-11 the recidivism rate of persons who are on probation, parole, or extended supervision following a felony conviction." While the Department's descriptions of services and the policies supporting those services may be viewed by some as compelling, actual implementation of those services and policies may equally be challenging. As written, the requested transfer of \$10,000,000 GPR to Corrections would increase the Department's base funding in the 2011-13 biennium by \$9,930,000 GPR (the amount transferred to Corrections for 2010-11). In other words, whether or not the proposed services are effective at meeting the goals of s. 301.068, funding would continue to be appropriated under base resources.

In order to provide the Department with the funding it needs to implement the provisions of s. 301.068, but still ensure that the proposed services are effective at meeting statutory requirements, the Committee could approve the request, but specify that the funding is one-time in nature. Under this alternative, the positions provided would be project positions ending on June 30, 2011, rather than permanent. It should be noted that the request includes funding for a five-year master lease. Thus, if funding were provided on a one-time basis, the Department would still be obligated to make master lease payments until 2014-15, and would either need to request funding in the future or utilize base resources. Since the Department is required to develop a system for monitoring offenders receiving community services that evaluates how effective the services are in decreasing the rates of arrest, conviction, and imprisonment of those offenders, as well as report annually on the Department's progress, the Department could submit a request for ongoing funding in conjunction with its 2011-13 biennial budget after community services have been implemented and more information is available as to the impact of those services. [Alternative 3]

ALTERNATIVES

1. Approve the request to transfer \$10,000,000 GPR from the Joint Committee on Finance's supplemental appropriation [s. 20.865(4)(a)] to the Department of Corrections' Becky Young Community Corrections appropriation [s. 20.410(1)(ds)], as identified in Table 6 above. The request is for \$70,000 GPR in 2009-10 and \$9,930,000 in 2010-11 and the creation of 9.0 GPR positions, effective July 1, 2010.

2. Adopt Alternative 1, but withhold funding and positions for any of the following:

<u>Plan Component</u>	<u>Funding</u>	<u>Positions</u>
A. Risk Assessment/Case Planning System	\$795,400	
B. Programs/Interventions		
1. Cognitive-Based Transitional Living Program	1,514,300	
2. Employment Strategies		
a. Taycheedah Vocational Training	90,100	
b. Community Corrections Employment Program	593,900	3.00
c. Windows to Work Program	1,089,900	1.00
3. Treatment Services for Offenders with Serious and Persistent Mental Illness		
a. Conditional Release Programming, Wisconsin Resource Center, and technical assistance from Council of State Governments	1,110,000	
b. Conditional Release Programming, Taycheedah, and technical assistance from Council of State Governments	675,100	1.00
c. Benefits Specialists for Offenders with Serious and Persistent Mental Illnesses	886,100	
4. Cognitive Intervention/Transitional Outreach/Family Reintegration		
a. Cognitive Interventions Programming	728,700	
b. Transitional Outreach Program	594,000	
c. Community Circles of Support	296,400	
d. Family Reintegration	142,600	
5. AODA Relapse Treatment	235,200	
6. County Jail Recidivism Reduction Pilot Programs	150,000	
C. Program Evaluation		
1. Community Programs and Evaluation Coordinators	523,300	4.00
2. Data Warehouse Development and Maintenance	225,000	
3. Program Effectiveness Evaluation by Dr. Edward Latessa, University of Cincinnati, School of Criminal Justice	350,000	

3. Modify the Department's request by specifying that funding is one-time, with provided positions to be project positions ending on June 30, 2011. *[This alternative may be adopted with either of the above alternatives.]*

4. Deny the request.

Prepared by: Chris Carmichael