



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 196
[2013 Assembly Bill 702]

**DOC System of
Short-Term Sanctions**

2013 Wisconsin Act 196 relates to creation of a system of short-term sanctions by the Department of Corrections (DOC) and to penalties for attempted possession of particular narcotic drugs.

System of Short-Term Sanctions

Act 196 directs DOC to develop, by rule, a system of short-term sanctions for offenders who violate conditions of their parole, probation, extended supervision, and deferred prosecution agreements. The system must set forth a list of sanctions for the most common violations and must fulfill a number of other conditions. Specifically, the system of short-term sanctions must do all of the following:

- Take into account the objective to be accomplished by imposing the sanction, consider the level of intensity necessary to achieve the objective, and consider the extent to which sanction imposition is likely to accomplish the objective;
- Take into account the goals of protecting the public, correcting the offender's behavior, and holding the offender accountable;
- Determine when revocation is the required response to the violation;
- Provide flexibility in imposing sanctions but also provide offenders with clear and immediate consequences for violations;
- Provide examples of high, medium, and low level sanctions and what factors to consider when determining which level of sanction to apply;

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

- Determine how to reward offenders for compliance with conditions of parole, of probation, of extended supervision, or of the agreement;
- Ensure that efforts to minimize the impact of an offender's employment are made when applying sanctions; and
- Ensure that efforts to minimize the impact on an offender's family are made when applying the sanctions.

Act 196 requires DOC to perform reviews of the sanctions imposed under the system to assess disparities among sanctions, evaluate the effectiveness of sanctions, and monitor the impact of the sanctions on the number and type of revocations.

In addition, the Act grants authority to district attorneys to impose sanctions under the system on defendants who violate conditions of a deferred prosecution agreement.

Act 196 also allows DOC to confine an offender who is on probation or parole for up to 90 days in a county jail or regional detention facility if the offender signs a statement admitting a violation of a condition or rule. If the offender is confined in a county jail, DOC must reimburse the county for its actual costs.

Finally, the Act grants DOC authority to contract with local governments for temporary housing or detention of offenders on probation in county jails or houses of correction. The agency possessed authority to contract with counties for the housing or detention of offenders on parole and extended supervision under prior law, and may now do so for offenders on probation as well.

Attempted Possession of Particular Narcotic Drugs

Act 196 increases the penalty for attempted possession of particular narcotic drugs. Under prior law, the penalty for attempting to possess a Schedule I or II controlled substance or analog which is a narcotic drug (e.g. opium and heroin) was different than the penalty for actual possession. Attempted possession under prior law was a Class A misdemeanor while actual possession was a Class I felony. Act 196 makes both attempted possession and actual possession of these substances and analogs a Class I felony.

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