

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 302.00.14	Page 1 of 5
	Original Effective Date: 10/10/05	New Effective Date: 03/13/23
	Supersedes: 302.00.14	Dated: 05/09/22
	Administrator's Approval: Sarah Cooper, Administrator – 2/23/23	
Required Posting or Restricted:		
<input checked="" type="checkbox"/> PIOC <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 302 Inmate Classification, Sentence and Release Provisions		
Subject: Petition of Sentence Adjustment to Court – 75 and 85%		

POLICY

PIOC sentenced under Truth in Sentencing for an offense other than a Class B felony may petition the Court for modifications of bifurcated sentence.

REFERENCES

2001 WI Act 109 – An act relating to state finances and appropriations

2011 WI Act 38 – An act to repeal and amend portions of 2009 WI Act 28 and certain Wisconsin statutes; an act to create new statutes related to corrections and sentencing

Wisconsin Statutes s. 973.195 – Sentence adjustment, 75 and 85%

Wisconsin Statutes s. 973.198 – Sentence adjustment; positive adjustment time

DEFINITIONS, ACRONYMS AND FORMS

Active sentence – For purposes of this policy, any sentence that has not reached its release date.

Applicable Percentage – 75% for a Class F to I felony and 85% for a Class C to E felony.

Bifurcated Sentence – Sentence that consists of a term of confinement in prison followed by a term of extended supervision.

CR-258 – Petition for Sentence Adjustment §973.195

CR-260 – Order Concerning Sentence Adjustment §973.195

CR-261 – Verification of Time Served

DAI – Division of Adult Institutions

DOC – Department of Corrections

DOC-9 – Adult Conduct Report

DOC-173 – Inmate Conduct Record

DOC-184 – Disbursement Request

JOC – Judgment of Conviction

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PIOC – Persons in Our Care

Truth in Sentencing (TIS) – Bifurcated sentence to imprisonment in the Wisconsin state prisons for a felony committed on or after December 31, 1999 or a misdemeanor committed on or after February 1, 2003.

WICS – Wisconsin Integrated Corrections System

PROCEDURE

I. Wisconsin Statutes s. 973.195 Requirements

- A. A PIOC who is serving a bifurcated sentence for a crime other than a Class B felony may petition the sentencing Court to adjust the sentence if the PIOC has served at least the applicable percentage of the term of confinement in prison portion of the sentence.
- B. If a PIOC is subject to more than one sentence or count, the sentences or counts shall be treated individually for purpose of sentence adjustment.
- C. A PIOC may submit only one petition for each sentence and count imposed.
- D. A PIOC who submits a petition under Wisconsin Statutes s. 973.198 may not apply under Wisconsin Statutes s. 973.195 for adjustment of the same sentence for a period of one year from the date of the 973.198 petition.

II. PIOC Shall:

- A. A Petition for Sentence Adjustment must be on CR-258 which is available in the library.
- B. A completed CR-258 must be provided for each sentence or count if there is more than one being petitioned.
- C. Per Wisconsin Statutes s. 973.195, PIOC are limited to one petition for sentence adjustment for each bifurcated sentence or count.
- D. Complete the CR-258 and forward to the Records Office. The following steps shall also be followed by anyone acting on behalf of the PIOC:
 - 1. Must include a sufficiently stamped envelope addressed to the Court.
 - 2. Submit a DOC-184 for any additional postage costs.
 - 3. Supporting documentation may be attached to the petition such as copies of:
 - a. Prison program participation.
 - b. Education and/or treatment certificates.
 - c. Other justification documentation.
 - d. Changes in law or procedure documentation.
 - e. Deportation documentation.

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4. Any supporting documents the PIOC provides shall not be copied by the Records Office or returned to the PIOC.

E. For Milwaukee County Cases Only, the petitions shall be addressed to:
Milwaukee County Clerk of Circuit Court (Criminal Division)
821 West State Street, Room 117
Milwaukee, WI 53233

III. Records Office Shall:

A. Receive from the PIOC:

1. Completed CR-258 for each count.
2. A sufficiently stamped envelope that is properly addressed to the Court.
3. Any documentation that the PIOC includes along with the petition.
4. A DOC-184 for any additional postage costs, if necessary.
5. Verify sufficient funds are available for postage.

B. Complete the sentence computation and file.

C. Complete the CR-261 and/or a letter indicating reason for non-submission.

D. Copy the complete DOC-173, if a CR-261 is submitted, and have it stamped with a notary seal to ensure the Court understands that the document originated from the DOC.

1. Even if there are no recorded DOC-9s on the PIOC's DOC-173, a copy of the DOC-173 shall be included and notarized.
2. All copies of the DOC-173 contained in the PIOC's legal file and/or WICS ISSS006A Inmate Conduct Record, are to be included with the petition and each page shall be notarized.

E. Copy JOCs of any other active sentence(s) and attach to the CR-261.

F. Mail all documents to the sentencing Court in the envelope provided by the PIOC.

G. Receive the CR-260 from the Court. If the petition has been denied, file the CR-260 in the legal file.

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 302.00.14	Page 4 of 5
New Effective Date: 00/00/00	Supersedes Number:	Dated:
Chapter: 302 Inmate Classification, Sentence and Release Provisions		
Subject: Petition of Sentence Adjustment to Court – 75 and 85%		
Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES**DEFINITIONS, ACRONYMS AND FORMS****FACILITY PROCEDURE**

I.

- A.
- B.
 - 1.
 - 2.
 - a.
 - b.
 - c.
 - 3.
- C.

II.

III.

RESPONSIBILITY

- I. Staff
- II. PIOC
- III. Other

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
New Effective Date: 00/00/00	DAI Policy Number: 302.00.14	Page 5 of 5
Chapter: 302 Assessment and Evaluation, Security Classification and Sentence Computation		
Subject: Petition of Sentence Adjustment to Court - 75 and 85%		