

 <p style="text-align: center;"><b>DIVISION OF ADULT INSTITUTIONS</b></p> <p style="text-align: center;"><b>POLICY AND PROCEDURES</b></p>	<b>DAI Policy #:</b> 302.00.14	<b>Page</b> 1 of 5
	<b>Original Effective Date:</b> 10/10/05	<b>New Effective Date:</b> 06/17/19
	<b>Supersedes:</b> 302.00.14	<b>Dated:</b> 08/15/16
	<b>Administrator's Approval:</b> Makda Fessahaye, Administrator	
<b>Required Posting or Restricted:</b>		
<input checked="" type="checkbox"/> <b>Inmate</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>		
<b>Chapter:</b> 302 Inmate Classification, Sentence and Release Provisions		
<b>Subject:</b> Petition of Sentence Adjustment to Court – 75 and 85%		

**POLICY**

Inmates 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

Records Office Procedure B-05 – Amended – Modified Sentence

**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 – Offender Conduct Record

DOC-184 – Disbursement Request

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JOC – Judgment of Conviction

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.

## **PROCEDURE**

### **I. Wisconsin Statutes s. 973.195 Requirements**

- A. An inmate 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 inmate has served at least the applicable percentage of the term of confinement in prison portion of the sentence.
- B. If an inmate is subject to more than one sentence or count, the sentences or counts shall be treated individually for purpose of sentence adjustment.
- C. An inmate may submit only one petition for each sentence and count imposed.
- D. An inmate 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. Inmate Shall:**

- 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/count if there is more than one being petitioned.
- C. Per Wisconsin Statutes s. 973.195, inmates are limited to one petition for sentence adjustment for each bifurcated sentence/count.
- D. Complete petition and forward to the Records Office. The following steps shall also be followed by anyone acting on behalf of the inmate.
  1. Must include a sufficiently stamped envelope addressed to the Court.
  2. Submit a DOC-184 for a copy of the DOC-173 and copies of JOCs for active sentence(s) to be mailed to the Court.
    - a. A complete DOC-173 is required by the Court.
    - b. CR-261 requires that copies of JOCs of any other active sentence(s) be attached.
    - c. Records Office staff shall copy and submit the complete DOC-173 and any other active JOCs with the petition.
  3. Submit a separate DOC-184 for any additional postage costs.
  4. Supporting documentation may be attached to the petition such as copies of:
    - a. Prison program participation.

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- b. Education, and/or treatment certificates.
- c. Other justification documentation.
- d. Changes in law or procedure documentation.
- e. Deportation documentation.
5. Any supporting documents the inmate provides shall not be copied by the Records Office or returned to the inmate.

E. For Milwaukee County Cases Only, the petitions shall be addressed to:  
(insert name), Milwaukee County Staff Attorney  
Room 117, Safety Building  
821 W. State Street  
Milwaukee, WI 53233

### III. Records Office Shall:

- A. Receive from the inmate:
  1. Completed CR-258 for each count.
  2. Sufficiently stamped envelope that is properly addressed to the Court.
  3. Any documentation that the inmate includes along with the petition.
  4. DOC-184 for a copy of the DOC-173 and copy of JOCs of any other active sentence(s). Ensure the inmate DOC number provided on the DOC-184 is verified.
  5. A separate DOC-184 for any additional postage costs, if necessary.
  6. Verify sufficient funds are available for postage and copies.
- B. Complete the sentence computation and file.
- C. Complete the CR-261 and have the form notarized or 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 inmate's DOC-173, a copy of the DOC-173 shall still be included and notarized.
  2. All copies contained in the inmate's legal file of the DOC-173 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 inmate.
- G. Receive the CR-260 from the Court.
  1. Refer to Records Office Procedure B-05 if the Court grants the petition.
  2. If the petition has been denied, file the CR-260 in the legal file.

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**Administrator's Approval:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
Makda Fessahaye, Administrator

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Name		
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<b>Subject:</b> Petition of Sentence Adjustment to Court – 75 and 85%		
<b>Will Implement</b> <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b>		

**REFERENCES**

**DEFINITIONS, ACRONYMS, AND FORMS**

**FACILITY PROCEDURE**

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

II.

III.

**RESPONSIBILITY**

I. Staff

II. Inmate

III. Other