



# WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

## GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Dustin Trickle

Name of Individual Certifying this Document/Proposed Document

Program and Policy Chief

Title

Dan Tubo

Signature

12/09/19

Date Signed



**WISCONSIN**  
**DEPARTMENT OF CORRECTIONS**  
**Division of Community Corrections**  
 DOC-1356 (Rev. 11/2019)

EFFECTIVE DATE	PAGE NUMBER 1 of 2
ORIGINATED BY Administrator's Office Lance Wiersma	

Administrative Directive # 19-07 Replaces AD 17-07 <input type="checkbox"/> New <input checked="" type="checkbox"/> Revision	Guidance Document Per § 227.01(3m) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>DISSEMINATION</b> <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Supervisory Staff Only	<b>PRIORITY</b> <input checked="" type="checkbox"/> Policy/Directive <input type="checkbox"/> Information Discuss at Staff Meeting Read/Route/Post
<b>SUBJECT: 2017 Wisconsin Act 33 and Act 59 - Immunity from Revocation of Probation, Parole, or Extended Supervision for Certain Circumstances</b>	

**Reference(s):**

2017 Act 33  
 2017 Act 59  
 Wisconsin State Statute 961.443

**Policy Statement:**

This policy is intended to give direction and notification regarding 2017 Act 33. On July 19, 2017, Act 33 became effective. Acts occurring on or after July 19, 2017 are subject to Act 33, as clarified by 2017 Act 59.

2017 Wisconsin Acts 33 and 59 prohibits the revocation of parole, probation, or extended supervision for certain circumstances for an aider or aided person who was suffering or reasonably believed to be suffering from an overdose or other adverse reaction. The immunity from revocation is under the circumstances surrounding or leading to the aider's actions.

DCC staff will follow the procedures outlined in the Electronic Case Reference Manual. Please see the Violation and Revocation sections.

**Sunset Date:**

The portion of the Act relating to immunity and revocation, described above, sunsets on August 1, 2020. Unless an act of the Legislature repeals the sunset date, this Administrative Directive and accompanying Electronic Case Reference Manual language will be rescinded on that date.

**Definitions, Acronyms, Forms:**

Aider: A person who makes contact with any of the following individuals:

- (1) an individual who staffs the emergency room, hospital, fire station, or other health care facility to which the aider brings the aided person;
- (2) a law enforcement officer, ambulance, emergency medical technician, or other health care provider summoned by the aider; or
- (3) an individual answering "911" or the number for an EMS provider called by the aider.

In addition to completing one of the above, a person is an "aider" only if the aided person is, or if a reasonable person would believe him or her to be, suffering from an overdose or other adverse reaction. The aider's attempt to obtain assistance must have occurred immediately after the aider believes the other person is suffering from the overdose or other adverse reaction.

**Aided Person:** A person suffering from an overdose of, or other adverse reaction to, any controlled substance or controlled substance analog, or if a reasonable person would believe him or her to be, and who is assisted by an aider.

**Financially Prohibitive:** Treatment is considered "financially prohibitive" if all the following conditions are met:

1. Offender's Combined Monthly Household Income (CMHI) is less than \$800
2. The cost of treatment would impact the offender's basic living needs or those of their dependents
3. Treatment is unavailable through DOC Purchase of Offender Goods and Service funding, or from coverage through other sources such as private insurance or Medicaid.

**Unavailable:** An inability to be admitted into a treatment program appropriate for the offender's needs within the state of Wisconsin within 60 days constitutes unavailability. The 60 day period begins the date the determination is made the event is an Act 33 covered event. Out of state treatment options can be reviewed on a case-by-case basis subject to Interstate Compact rules.

**Criteria:**

1. No Aider may have his or her parole, probation, or extended supervision revoked, and is immune from prosecution for the following offenses under the circumstances leading to his or her aiding another individual:
  - a. Possession of drug paraphernalia under s. 961.573
  - b. Possession of a controlled substance or a controlled substance analog under s. 961.41 (3g)
  - c. Possession of a masking agent under 961.69 (2)
  - d. Bail jumping under 946.49
2. For the aided person to be immune from revocation under the circumstances surrounding or leading to an aider's request for assistance, the aided person must:
  - a. Complete a treatment program as a condition of his or her parole, probation, or extended supervision, or,
  - b. If a treatment program is unavailable or would be financially prohibitive, agrees to be imprisoned in the county jail for not less than 15 days.
3. Interstate Compact offenders supervised in Wisconsin from another state shall be supervised consistent with the supervision of other similar offenders sentenced in the receiving state. Interstate Compact rules should be followed for these offenders.

Please reference the Violation section of ECRM and the FAQ document for more information.