

.05 ADJUSTMENT OF BIFURCATED SENTENCE AFTER SERVING 75% OR 85% OF CONFINEMENT

[Wisconsin Statutes §973.195](#)

[DAI Policy 302.00.14 Petition of Sentence Adjustment to Court – 75% and 85%](#)

An inmate 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 portion of the sentence. If an inmate is subject to more than one sentence or count, each is treated individually for the purpose of sentence adjustment. An inmate may submit only one petition for each sentence and count imposed.

Applicable percentage of term of confinement is defined as follows:

- At least 85% of the imposed term of confinement for a Class C, D, or E felony, or
- At least 75% of the imposed term of confinement for a Class F, G, H, or I felony, or an enhanced misdemeanor.

The inmate may petition for a sentence adjustment on any of the following grounds:

- The inmate's conduct, efforts at and progress in rehabilitation, or participation and progress in education, treatment, or other correctional programs since being sentenced.
- A change in law or procedure related to sentencing or revocation, effective after the inmate was sentenced, would have resulted in a shorter term of confinement if the change had been applicable when the inmate was sentenced or revoked.
- 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.
- Sentence adjustment is otherwise in the interest of justice.

The court may deny the petition or hold it for further consideration. If the court holds the petition, it must notify the district attorney of the petition. If the district attorney objects, the court may deny the petition. If the inmate's sentence is for an offense under [940.225\(2\)](#) or [\(3\)](#), [948.02\(2\)](#), or [948.08](#), the district attorney will notify the victim. If the victim objects to the adjustment, the court may deny the petition.

If the court approves the petition for sentence adjustment, any confinement time remaining on that sentence will be converted to extended supervision time within 30 days of the court order so the total length of the sentence does not change. An exception to this may be granted by the court if a change in law occurred after the client was originally sentenced

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and the client's maximum sentence would have been shorter if the law change was in effect at the time the client was originally sentenced.