

MODIFICATION OF CONDITIONS OF EXTENDED SUPERVISION

2004

Either the Department of Correction (DOC) or a defendant may petition the sentencing court to modify any judicially imposed conditions of Extended Supervision (ES). Wis. Stat. § 302.113(7m)(a). The DOC can request ES modification at any time, and as often as it wishes. However, the defendant cannot petition for a change in ES conditions sooner than one year before release on ES, or more than one time before being released on ES. Once the defendant is released on ES, he or she must spend a year on ES before being allowed to petition the court for modification of the terms of ES. Wis. Stat. §§ 302.113(7m)(e) (1) and (2).

It seems unlikely that a modification of the conditions of ES would include modification of the *length* of ES. But there is no published case law on the issue yet, so it is not clear what you can ask for in such a petition.

When the court receives a petition for modification of the conditions of ES, the court must serve a copy of the petition on the District Attorney's office. The court may also direct the clerk's office to notify the victim of the petition. Wis. Stat. § 302.113(7m)(b).

The court may conduct a hearing on the petition. The court can grant the petition, in whole or in part, if it "determines that the modification would meet the needs of the department [of corrections] and the public and would be consistent with the objectives of the person's sentence." Wis. Stat. § 302.113(7m)(c).

Either the DOC or the defendant can appeal a grant or a denial of the petition to modify ES conditions. The standard on appeal is whether the court erroneously exercised its discretion in granting or denying the modification petition. § 302.113(7m)(d).

Included with this information sheet is a copy of Court Form CR-250, entitled "Petition to Modify Court-Imposed Conditions of Extended Supervision § 302.113(7m)". This form is mandatory, meaning that you must use it to request modification of your ES conditions.

As part of filing your petition, you should also have a DOC official complete Court Form CR-251, "Verification of Date of Release to Extended Supervision § 302.113(7m)" (within the DOC, this form is also known as Form DOC-2252). A copy of Court Form CR-251 is included with this information sheet. The Office of the Director of State Courts, which developed this form, indicates that Court Form CR-251 is not statutorily required, but that "it will be helpful to the court in reviewing the petition" for modification of ES. If you are filing the petition while still incarcerated, we suggest that you ask the institution records office to complete the form and mail it to the court. If you are filing the petition after your release on ES, we suggest that you ask your probation/parole agent to complete the form and mail it to the court.

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

State of Wisconsin
-vs-

**Petition to Modify Court-Imposed
Conditions of Extended
Supervision
§302.113(7m)**

_____, Defendant

Name

Case No. _____

Date of Birth

Check one of the following:

- The petitioner is presently serving the confinement portion of a bifurcated sentence. The scheduled date of release to extended supervision is _____, which is not more than one year from the date of this petition. The petitioner has not previously petitioned for modification of conditions of extended supervision. **Attached is the Verification of Date of Release to Extended Supervision.**

OR

- The petitioner is presently serving the extended supervision portion of a bifurcated sentence. The petitioner was released to extended supervision on (date) _____, which is not within one year of this petition. The petitioner has not filed another petition within one year of the filing of this petition. **Attached is the Verification of Date of Release to Extended Supervision.**

OR

- I am a representative of the Department of Corrections.

I believe that the requested modification(s) meet the needs of the department and the public and would be consistent with the objectives of the sentence in this case. I request that the court modify the court-imposed conditions of extended supervision as follows:

- See attached.

Signature of Petitioner or Petitioner's Attorney

Name Typed or Printed

Date

Distribution:

1. Court – Original
2. Sentenced person
3. Sentenced person's attorney
4. Department of Corrections
5. District Attorney

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

State of Wisconsin
-vs-

Verification of Date of Release
to Extended Supervision
§302.113(7m)

_____, Defendant
Name

Case No. _____

Date of Birth

The date of the sentenced person's release to extended supervision is/was _____.

This information is accurate as of the date of signing.

Signature of Department of Corrections Representative

Name Typed or Printed

Date

Distribution:

- 1. Court – Original