

## MODEL CRIMINAL PROCEDURE

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

Pursuant to sec. 302.113(7m), the sentenced person may petition the sentencing court to modify any court-imposed conditions of extended supervision. If the offender is in prison confinement, he or she may petition only once and no sooner than one year prior to the scheduled date of release to extended supervision. Wis. Stat. §302.113(7m)(e)1. If the offender is on extended supervision, he or she may petition no sooner than one year upon release to extended supervision and no sooner than one year after the date of the prior petition. Wis. Stat. §302.113(7m)(e)2.

The Department of Corrections (DOC) may petition the sentencing court to modify any court-imposed conditions of extended supervision at any time. No limitations are set on those filings.

A Petition to Modify Court-Imposed Conditions of Extended Supervision, Form CR-250, is used to petition the court. Included with the petition, if filed by the sentenced person, shall be Form CR-251, Verification of Date of Release to Extended Supervision. The verification form shall be completed by the Department of Corrections to verify the sentenced person's date of release to extended supervision.

*All forms referred to in this procedure are state mandated forms, and are available on the Circuit Court forms website.*

1. Receive/file stamp the petition and verification form and enter as PMCES and VDRES in the court record. The court shall serve a copy on the district attorney.
2. The court may direct the clerk of the circuit court to provide notice of the petition and verification to a victim of a crime committed by the person who is the subject of the petition. **Check with the judge on whether or not the victim(s) should receive notification.**

NOTE: Even though notification is the statutory responsibility of the clerk's office, it is suggested that the clerk establish a procedure with the victim/witness specialist to accomplish victim notification.

NOTE: All court records or portions of records that relate to mailing addresses of victims are not subject to inspection or copying under §19.35(1). Each county should develop a procedure to comply with this section of the statute.

3. **The court may or may not conduct a hearing to consider the petition. If a hearing is to be scheduled**, it should be scheduled far enough in advance to allow time for victim notification and inmate transport.

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4. **If the court does not grant the petition**, the court shall complete and sign the Order Modifying Conditions of Extended Supervision, Form CR-252. After the judge completes and signs the order, enter the order as OMCES.
5. **If the court grants the petition in full or in part**, the court shall complete and sign the order modifying court-imposed conditions of extended supervision, Form CR-252. After the judge completes and signs the order, enter the order as OMCES. Prepare an Amended Judgment of Conviction (JOC), CR 212A.