

**STATEMENT OF SCOPE OF PROPOSED RULE
WISCONSIN DEPARTMENT OF CORRECTIONS**

SUBJECT: Amending chapter DOC 302, relating to changes in various statutory provisions relating to sentence calculations and prison release under 2009 Wis. Act 28.

DESCRIPTION OF THE OBJECTIVE OF THE RULE: The objective of the rule is to amend the rule chapter to bring it into compliance with significant changes made in sentence calculations and releases from prison under 2009 Wis. Act 28, including:

1. Challenge incarceration program and the earned release program under §§ 302.045 and 302.05, Stats., respectively, as amended by 2009 Wis. Act 28, §§ 2700 – 2712;
2. Release to extended supervision under § 302.113 (9g), as renumbered and amended by 2009 Wis. Act 28, §§ 2729j through 2738, for inmates who have extraordinary health conditions or who are either 60 or 65 and have served a certain portion of their period of incarceration;
3. Positive adjustment time under 302.113 (2) (b), 304.06 (1) (bg) 1. and 2., as created by 2009 Wis. Act 28, §§ 2722 and 2751;
4. Early release of certain inmates within 12 months of their release under § 302.113 (9h), as created by 2009 Wis. Act 28, § 2739;
5. Risk reduction sentence under § 973.031, as created by 2009 Wis. Act 28, § 3387t;
6. Risk assessment program under § 302.042, as created by 2009 Wis. Act 28, § 2699m; and
7. Sentence calculations under § 304.06 (1) (bg) 3. and 4., as created by 2009 Wis. Act 28, § 2751, for an inmate who has been convicted under § 973.01, Stats., following the inmate's having served at least 75% or 85% of the confinement time of a bifurcated sentence, depending on the classification of the crime.

DESCRIPTION OF EXISTING POLICIES AND NEW POLICIES INCLUDED IN THE PROPOSED RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:

Currently, the Department is in the process of developing rules to amend chapter DOC 302. The Department intends to include in its proposed amendments changes necessitated by the passage of 2009 Wis. Act 28.

STATUTORY AUTHORITY: §§ 227.11 (2), 301.02, 301.03 (2), and 302.07, Statutes

ESTIMATE OF THE AMOUNT OF TIME STATE EMPLOYEES WILL SPEND DEVELOPING THE PROPOSED RULE AND OF OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:

The Department estimates that it will take approximately 500 hours to develop this rule, including drafting the rule and complying with rulemaking requirements.

DESCRIPTION OF ALL OF THE ENTITIES THAT WILL BE AFFECTED BY THE RULE.

This rule will affect inmates, offenders, district attorneys, public defenders, the courts, the Earned Release Review Commission (formerly the Parole Commission), victims of crimes, and the public.

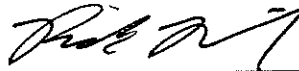
SUMMARY OF AND PRELIMINARY COMPARISON WITH ANY EXISTING OR PROPOSED FEDERAL REGULATION THAT IS INTENDED TO ADDRESS THE ACTIVITIES TO BE REGULATED BY THE PROPOSED RULE.

There is no federal regulation which addresses the subject of this rule.

CONTACT PERSON.

Kathryn R. Anderson, Chief Legal Counsel, Department of Corrections, 3099 East Washington Avenue, P.O. Box 7925, Madison, WI 53707-7925, telephone: (608) 240-5049, FAX: (608) 240-3306, email: kathryn.anderson@wisconsin.gov

Date: August 3, 2009



Rick Raemisch
Secretary
Wisconsin Department of Corrections