

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 98-193**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **2. Form, Style and Placement in Administrative Code**

a. The finding of an emergency should be replaced with an analysis of the permanent rule. Also, a new effective date for the permanent rule should be provided.

b. In s. DOC 349.01 (3), the phrase “These rules are” should be replaced by the phrase “This chapter is.”

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In item 2. of the emergency statement, the phrase “secure custody status” should be enclosed in quotation marks.

b. In s. DOC 349.03 (4m), “delinquent” should be defined as an adjective or “delinquent act” should be defined. “Delinquent” is not used as a noun in the rule.

c. In s. DOC 349.21 (2), the paragraphs do not logically follow the introductory material. It would be clearer to rewrite par. (a) as “Except as provided in this section, the lockup facility meets the provisions of this chapter and has been approved by the department as a suitable place for holding juveniles in custody.” Pars. (c) and (e) could become pars. (b) and (c) and be rewritten in the past tense to require the policy and procedures to have been developed before any juvenile is held in a lockup.

Pars. (b) and (d) could be renumbered subs. (3) and (4) because those are conditions that must be met once a juvenile is taken into custody instead of before any juvenile is held in the facility. Finally in the introduction, the phrase “all of” should follow the word “if.”

d. In s. DOC 349.21 (2) (d) 2., the sentence should clarify what a juvenile must be at risk of to require observations at 15-minute intervals. Also, the conditions listed following “such as” do not qualify as “at risk.” Perhaps a phrase such as “due to a condition” could be inserted before “such as.”

e. In s. DOC 349.21 (2), it may be helpful to the reader to include the statutory requirements that a juvenile may only be held in a lockup while he or she is awaiting a custody hearing under s. 938.21 (1) (a), Stats., and that a juvenile may be held for investigative purposes only.