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Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 10-125

Comments

[NOTE: **All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]**

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

a. The plain language analysis of the rule summary states that the proposed rule moves two provisions from ch. DOC 331 to ch. DOC 328; however, the proposed rule does not include these provisions.

b. Section DOC 331.02 should be rewritten to read:

DOC 331.02 Definitions. The definitions in s. DOC 328.03 apply to this chapter. In addition, in this chapter:

(1) "Magistrate"….

(2) "Reviewing authority"….

c. In s. DOC 331.13 (2) and (3), the titles should be written in solid capital letters. [See Manual, s. 1.05 (2) (c).]

d. The treatment clause for SECTION 2 should read: "DOC 331 Appendix is repealed."

e. SECTION 3 should be deleted because there is a separate effective date provision.

4. *Adequacy of References to Related Statutes, Rules and Forms*

a. In s. DOC 331.01 (1), why is s. 973.125, Stats., cited?

b.   In s. DOC 331.04 (intro.), the notation "s." should be inserted before the cross-reference.

c.   In s. DOC 331.13 (2), "sub. 1 (a) (b) or (c)" should be replaced with "sub. (1) (a), (b), or (c)."   This comment also applies to the same citation in the rule preface describing sentence calculation in Illinois (end of second paragraph).

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

a.   In the third paragraph of the rule preface discussion of Michigan law, it appears that the word "Iowa" should be replaced by the word "Michigan."   In the first sentence of the fourth paragraph, it appears that the word "when" should be inserted before the phrase "a parolee."   Finally, the fifth paragraph states that "DOC 331 includes two circumstances not recognized in Iowa."   However, five circumstances are listed in this statement.   This discrepancy should be clarified.

b.   In the sixth paragraph of the rule preface discussion of Minnesota law, it appears that the word "release" should be inserted after the phrase "special conditions of" in the last sentence.

c.   In s. DOC 331.03 (1), the phrase "of supervision" should be inserted after the phrase "alleged violation."

d.   In s. DOC 331.01 (1), the semicolon following "302.11" should be replaced with a comma, and the comma following "302.113" should not be underscored.   Finally, the "and" preceding "973.10" should precede "973.125" and a comma should be inserted after "973.125."

e.   In s. DOC 331.03 (2) (b) 4., "Implement" should be replaced with "Implementation of" to be grammatically consistent with the other items in the list.

f.   In s. DOC 331.05 (3) (intro.), must a written notice be given to the state public defender regardless of whether the state public defender has agreed to represent the offender?

g.   In s. DOC 331.04 (intro.), it would be clearer to replace "the determination" with "a determination" since such a determination is not made in every case.

h.   In s. DOC 331.05 (3) (intro.), "all of the following" should be inserted before the colon.   Also, should the phrase "or supervisor" be inserted after the word "magistrate"?

i.   In s. DOC 331.05 (7) (b) (intro.), "that include but are not limited to" should be replaced with "including."   Also, the notation "stats" should be replaced by the notation "Stats."

j.   In s. DOC 331.11, in the last sentence, "will" should be replaced with "shall" and the underscore after "the offender" should be deleted.

k.   In s. DOC 331.13 (1) (b), the underscore of the comma following "1999" should be deleted.

l.   In s. DOC 331.13 (5) (b) (intro.), "All of" should be inserted at the beginning of the sentence.   Also in subd. 5., "consistent with" should be replaced with "necessary to meet."