



STATE OF WISCONSIN
Department of Justice

Clearinghouse Rule 19-062

**PROPOSED ORDER OF THE WISCONSIN DEPARTMENT OF JUSTICE
REPEALING A RULE**

The Wisconsin Department of Justice is petitioning the Joint Committee for the Review of Administrative Rules to repeal rules DOJ has determined to be unauthorized using the process under Wis. Stat. § 227.26(4).

PROPOSED ORDER

An order of the Wisconsin Department of Justice (DOJ) to repeal Jus 8, which formerly established procedures for carrying out sex offender registration requirements.

ANALYSIS BY THE WISCONSIN DEPARTMENT OF JUSTICE (DOJ)

Statutes interpreted:

Wis. Stat. § 175.45 (1993–94); Wis. Stat. § 301.45

Statutory authority:

Wis. Stat. § 301.45

Explanation of statutory authority:

1995 Wisconsin Act 440 (“Act 440”) created Wis. Stat. § 301.45 and eliminated the DOJ’s authority to administer the sex offender registration program and to promulgate rules necessary to carry out its duties under the statute

Plain language analysis and summary of the proposed rule:

The former statute under which chapter JUS 8 was promulgated, Wis. Stat. § 175.45 (1993–94), authorized DOJ to administer the sex offender registration program and to promulgate rules necessary to carry out its duties under the statute. That statute was renumbered and amended by 1995 Wis. Act 440. The new statute, Wis. Stat. § 301.45, authorizes the Department of Corrections (DOC), not DOJ, to administer the sex offender registration program and to promulgate rules necessary to carry out its duties under the statute. DOC promulgated such a rule, chapter DOC 332, and chapter JUS 8 has been superseded by that rule. Chapter Jus 8 is an “unauthorized rule,” as defined in Wis. Stat. § 227.26(4)(a). It should be repealed.

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TEXT OF THE PROPOSED RULE

SECTION 1. Jus 8 is repealed.

SECTION 2. EFFECTIVE DATE. The rule repealed in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register pursuant to s. 227.22(2) (intro.), Stats.

(END OF TEXT OF RULE)
