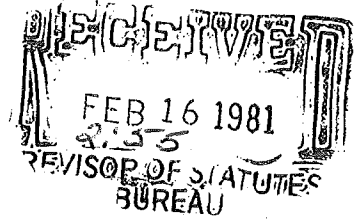


HSS 303

CERTIFICATE



STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Donald E. Percy, Secretary of the Department of Health and Social Services and custodian of the official records of said department do hereby certify that the annexed amendment to rules relating to discipline in adult correctional institutions were duly approved and adopted by this department on February 16, 1981.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

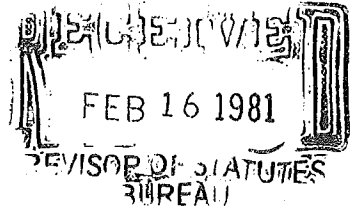
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building, 1 W. Wilson St., in the city of Madison, this 16<sup>th</sup> day of February A.D. 1981.

SEAL:

\_\_\_\_\_  
Donald E. Percy, Secretary  
Department of Health and Social Services

4-1-81

ORDER  
OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
AMENDING RULES



Relating to rules concerning discipline in adult correctional institutions.

ANALYSIS PREPARED BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Section HSS 303.85(1)(a) of the Wisconsin Administrative Code provides that an inmate's case record may include the record of a disciplinary summary disposition procedure when the inmate is found not guilty. The Department intended, rather, that such a record be included only when an inmate is found guilty. It is important that records of guilty determinations be in the case records when decisions are made such as security classification, program assignment and parole release.

One of the two comments of the Legislative Council Clearinghouse was accepted. As to the citation of s. 53.07, Wis. Stats., as a source of authority for the rule, the LCC said that it should be deleted because that section does not confer rule-making authority. Further discussions between the Department's rules office and the LCC led to the reversal of the LCC position on this question because the general rule-making authority in s. 227.014(2), Wis. Stats., must be rooted in program authority.

A 30-day notice that the agency would amend the rule without a public hearing unless petitioned for a hearing was published in the Wisconsin Administrative Register. No petition was received.

Pursuant to authority vested in the Department of Health and Social Services by sections 46.03(6)(b), 53.07, and 227.014(2), Wis. Stats., the Department of Health and Social Services hereby amends rules interpreting sections 46.03(6)(b) and 53.07, Wis. Stats., as follows:

Section HSS 303.85(1)(a) of the Wis. Adm. Code is amended to read:

HSS 303.85 Recordkeeping. (1) Records of disciplinary infractions may be included in an inmate's case record only in the following situations:

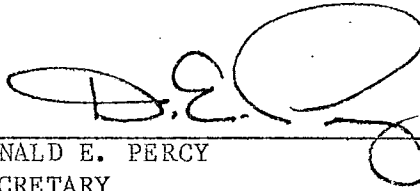
(a) If the inmate was found ~~not~~ guilty by summary disposition procedure (See HSS 303.74); or

The amendment contained in this order shall take effect on the first day of the month following its publication in the Wisconsin Administrative Register, as provided in section 277.026(1).

Date: 2/16/81

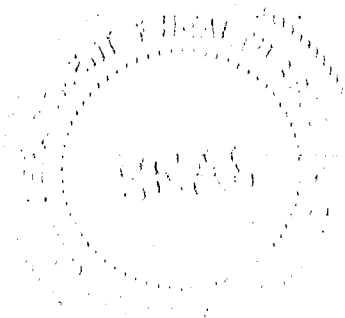
WISCONSIN DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Seal:



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DONALD E. PERCY  
SECRETARY





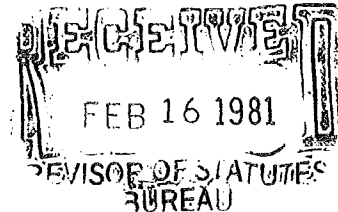
State of Wisconsin \

DEPARTMENT OF HEALTH & SOCIAL SERVICES

OFFICE OF THE SECRETARY  
1 WEST WILSON STREET  
MADISON, WISCONSIN 53702

February 16, 1981

Mr. Orlan Prestegard  
Revisor of Statutes  
411 West, State Capitol  
Madison, Wisconsin 53702



Dear Mr. Prestegard:

As provided in section 227.023, Wis. Stats., there is hereby submitted a certified copy of HSS 303.85(1)(a) relating to discipline in adult correctional institutions.

This rule is being submitted to the Secretary of State as required by section 227.023, Wis. Stats.

Sincerely,

Donald E. Percy  
SECRETARY

Enclosure