

CR 89-156

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CERTIFICATE


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

I, Patricia A. Goodrich, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed emergency rules relating to parole consideration reviews at adult correctional institutions were duly approved and adopted by this Department on December 21, 1989.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the 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 Street, in the city of Madison, this 21st day of December, 1989.

SEAL:



Patricia A. Goodrich, Secretary  
Department of Health and Social Services

✓ 3-1-90

ORDER OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
REPEALING RULES

To repeal HSS 30.05(4)(a) and (b), relating to parole consideration reviews at adult correctional institutions.

Analysis Prepared by the Department of Health and Social Services

The 1989-91 Budget Act, 1989 Wisconsin Act 31, by creating ss. 15.105(21) and 304.01, Stats., making other appropriate changes in the statutes, and providing for transitional measures and an effective date, converted the Department's Parole Board of 6 members and chairman into a Parole Commission of 4 members and chairman attached to the Department of Administration, effective January 1, 1990. Beginning January 1, 1990, 4 members will be expected to do approximately the same number of parole consideration reviews of inmates at adult correctional institutions as 6 members have done until recently. One measure being taken to permit 4 members to do the same number of parole consideration reviews as 6 members, and at additional locations, is to permit one member parole consideration reviews at all adult correctional institutions.

In the year ending June 30, 1989, the 6 Parole Board members conducted 6359 parole consideration reviews of inmates, or an average of 530 a month. A review takes place at the institution, with the inmate present. The Department's rules for operation of the Parole Board, ch. HSS 30, until recently required that 2 members conduct each review at minimum and medium security institutions and permitted parole consideration by one member at maximum security institutions. On August 25, 1989, the Department by emergency rulemaking order amended ch. HSS 30 to permit parole consideration by one member also at medium security institutions. In 1988-89, 31% of parole consideration reviews were conducted at medium security institutions. In the same year 37% of the reviews were conducted at minimum security institutions. The rule change made by this order will permit parole consideration by one member at all adult correctional institutions. The effect on availability of reviewer time will be to increase it to compensate for the loss of one-third of the number of reviewers. The rule change is imperative so that 4 Parole Commission members can keep up with a constant workload and thereby give inmates parole consideration when inmates are entitled to it and contribute to reducing prison crowding.

The Department's authority to repeal these rules is found in ss. 46.03(6)(c), 57.06 and 227.11(2), Stats. The rules interpret ss. 46.03(6)(c) and 57.06, Stats.

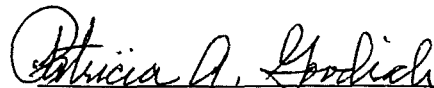
SECTION 1. HSS 30.05(4)(a) and (b) are repealed.

The repeals contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22(2), Stats.

Wisconsin Department of Health and  
Social Services

Dated:

By:



Patricia A. Goodrich  
Secretary

SEAL:



State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
1 West Wilson Street, Madison, Wisconsin 53702

Tommy G. Thompson  
Governor

Patricia A. Goodrich  
Secretary

Mailing Address:  
Post Office Box 7850  
Madison, WI 53707

December 21, 1989

Mr. Orlan Prestegard  
Revisor of Statutes  
7th Floor - 30 on the Square  
Madison, WI 53702

Dear Mr. Prestegard:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 30.05(4)(a) and (b), emergency administrative rules relating to parole consideration reviews at adult correctional institutions.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

These rules apply to the Department, adult correctional institutions and inmates of adult correctional institutions. The rules do not affect small businesses as defined in s. 227.114(1)(a), Stats.

Sincerely,

Patricia A. Goodrich  
Secretary

Enclosure