

Chapter HSS 326

LEAVE FOR QUALIFIED INMATES

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Note: Chapter HSS 326 as it existed on November 30, 1984 was repealed and a new Chapter HSS 326 was created effective December 1, 1984. Several of the sections in Ch. HSS 326 have explanatory notes. These notes can be found in the appendix following the last section of the chapter.

HSS 326.01 Authority and applicability. This chapter is promulgated under the authority of s. 56.068 (5), Stats., and interprets s. 56.068, Stats. It applies to the department and to all adult inmates in the legal custody of the department for correctional purposes. Unescorted leave for minimum security inmates under this chapter is distinguishable from temporary release of inmates with supervision which is regulated by ch. HSS 325, and from work and study release for inmates which is regulated by ch. HSS 324.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84.

HSS 326.02 Purpose. The purpose of this chapter is to permit a qualified minimum security inmate to be on unescorted leave from the institution for up to 3 days, exclusive of travel time, with a possible extension of another 3 days, exclusive of travel time, to visit a close family member who is seriously ill or for the purpose of facilitating eventual reintegration of the inmate into the family and the stability of the family, to attend the funeral of a close family member, to contact a prospective employer, or to be screened for, diagnosed, or treated for an injury or illness. A leave may be granted only if it is consistent with the public's need for protection. Decisions on leave applications are to be consistent with these goals.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84.

HSS 326.03 Definitions. In this chapter:

- (1) "Close family member" means a parent, child, spouse, grandparent, brother or sister. "Parent" includes a person who was previously acting as a parent, as defined in s. 822.02 (8), for the inmate.
- (2) "Department" means the department of health and social services.
- (3) "Division" or "DOC" means the department's division of corrections.
- (4) "Classification chief" means the chief of classification of the division of corrections or that person's designee.

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(5) "Detainer" means a document filed with the division of corrections by another criminal justice agency to initiate transfer of custody upon release of the inmate from the division's custody.

(6) "Leave agreement" means the written statement, signed by the inmate, by which the inmate agrees to accept the responsibilities that the privilege of leave requires and agrees to abide by certain specified conditions of leave.

(7) "Leave condition" or "condition of leave" means a specific written requirement or limitation placed upon leave that has been granted.

(8) "Leave destination" means the physical location of the leave principal or event that is the justification for the leave.

(9) "Leave for qualified inmates" or "leave" means a privileged, authorized absence from an institution for one of the following purposes under s. 56.068, Stats.:

(a) To visit a close family member who is seriously ill;

(b) To attend the funeral of a close family member;

(c) To contact a prospective employer;

(d) To be screened, diagnosed or treated for an injury, illness or disease; or

(e) To visit a close family member to facilitate family reintegration and stability.

(10) "Leave principal" or "principal" means the individual approved during the eligibility review process as willing and able to assist in the leave and who has agreed to assist in the leave. "Leave principal" may include but is not limited to a member of the immediate family or a potential employer.

(11) "Misconduct" means behavior in violation of state or federal statutes, administrative rules of the department, the leave agreement or any conditions of leave.

(12) "Program review committee" or "PRC" means the committee described in s. HSS 302.18.

(13) "Regional chief" means the chief of a bureau of community corrections region of the division of corrections, or that person's designee.

(14) "Reviewing authorities" means the program review committee and the superintendent.

(15) "Serious illness" means an illness from which death may be imminent in the oral or written, formal or informal, opinion of an attending physician.

(16) "Superintendent" means the superintendent of the institution or that person's designee.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84.

HSS 326.04 Eligibility for leave application. To be eligible to apply for a leave, an inmate shall meet the following requirements:

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HSS 326.15 Good time credit on leave. Leave time is credited toward service of the sentence. The time credit includes statutory and extra good time for inmates not covered by 1983 Wisconsin Act 528.

History: Cr. Register, November, 1984, No. 347, eff. 12-1-84; am. Register, February, 1987, No. 374, eff. 3-1-87.