

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-127

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. The definitions of “lie detector” and “polygraph” in s. HSS 98.03 (16m) and (17m) parallel the definitions of these terms in s. 111.37 (1) (b) and (c), Stats. Consideration should be given to cross-referencing these statutory definitions. This approach would be consistent with the treatment of the definition of “sexually violent person” in s. HSS 98.03 (23g), which cross-references the statutory definition of that term in s. 980.01 (7), Stats.

b. In s. HSS 98.28, the phrase “The rules apply” should be replaced by the phrase “This chapter applies.”

c. Section HSS 98.31 (5), relating to assessment of fees, should be rewritten as a cross-reference to s. HSS 98.32, relating to the lie detector fee, and the substance of sub. (5) should be incorporated into s. HSS 98.32. If sub. (5) is retained, in par. (c), the phrase “under par. (b)” should be inserted after “payment.”

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

a. In s. HSS 98.30 (1) (intro.), the second sentence would be clearer if it read:

Testing may be used to achieve any of the following goals in supervising an offender who is a sex offender:

(a) Disclosing . . .

b. In s. HSS 98.31 (1) (a) (intro.), what does it mean to be “approaching release from confinement”? Can this be made more specific? In par. (b) 2., does the term “recent” also modify “or consideration for alternatives to revocation”? If so, for clarity, “recent” should be inserted before “consideration.” If not, what does the last phrase refer to? Also, can “recent” be clarified? [See also sub. (3) (b) 3.]

c. In s. HSS 98.32 (3) (a) 4., “the offender” should be inserted before “is unable.” Paragraph (b) refers to “within 10 working days of a reported change in a client’s financial or employment status.” Is there a requirement somewhere that the offender report such a change within a certain time period? If so, could it be cross-referenced? If not, perhaps such a provision should be included in the rule.