



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **10-010**

AN ORDER to create chapter OJA 1, relating to the collection and analysis of motor vehicle traffic stop information.

Submitted by **OFFICE OF JUSTICE ASSISTANCE**

02-01-2010 RECEIVED BY LEGISLATIVE COUNCIL.

02-25-2010 REPORT SENT TO AGENCY.

RNS:DLS



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 10-010

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

a. In s. OJA 1.03 (8) (intro.) and (11), a comma should be inserted after “Stats.” In sub. (10), is the acronym “SAC” used in the rule? If not, “or “SAC”” should be deleted. Also, the note should be separated more clearly from the text and indented. In sub. (13), why is the term “vehicle” (which is much broader than “motor vehicle” here and in the Motor Vehicle Code in the statutes) defined? The direction to the Office of Justice Assistance (OJA) is to analyze information relating to motor vehicle stops. Only “motor vehicle” needs to be defined in this definition section (see the definition in ch. 340, Stats.).

b. In s. OJA 1.04 (1), “MOU” should replace “memorandum of understanding” since “MOU” is defined in the definitions section. In sub. (1) (c), the two sentences should be combined so that the last part reads, “...traffic stop data, including modifying the DOT TraCS “warning” form to include fields for traffic stop data.” Also, in a note to par. (c), the agency could briefly describe what the form is and where a copy of it can be accessed. In pars. (e) and (f), costs of what and staffing of what? These provisions should be clarified.

c. The title of s. OJA 1.05 is too long; the agency could substitute “**Types of information required to be collected**” as the title. Also, the titles to the subsections in this section should be put into the appropriate format for titles (see s. 1.05 (2) (c), Manual). In sub. (2) (b), first sentence, “driver” was misspelled. In par. (b), “(GPS)” should be deleted. In par. (c), “the” should be inserted before the first “vehicle” and “vehicle” should be inserted before

“registration”. In sub. (4) (intro.), “all of” should be inserted before “the following:”. In par. (a), the provision would be clearer if it read: “Whether a consent to search was requested, and, if so, whether it was granted or denied.”. In par. (c), “sub. (1) (b)” should replace “sec. 105(1) (b)”.

d. The title of s. OJA 1.06 is too long; the agency could substitute “**Process and format for submitting data**”. In sub. (1) (b), “under sub. (a),” should be “under par. (a),”. In sub. (1) (b), “more than” should replace “more that”.

e. In s. OJA 1.07, there is a title to sub. (3), but no titles for subs. (1) and (2). If titles are to be used, they should be used consistently throughout the section. The hyphen between “received to” should be deleted in sub. (1) (intro.). In sub. (2), first sentence, should the driver be included as well as the occupants? Also, in the first sentence in sub. (2), “, and search requests” seems to be incomplete (e.g., is it the number of search requests that is being referenced here?).

f. In s. OJA 1.08 (1), the last part should read: “...state courts, the president of the senate, and the speaker of the assembly.”.

g. In s. OJA 1.09, the second sentence should end at “website” and a note should be inserted under this section indicating the location of the OJA website.

4. Adequacy of References to Related Statutes, Rules and Forms

In s. OJA 1.02, “ss. 16.964 (16) (b) and 349.027, Stats.” should be substituted for “s. 16.964 (16) (b), Stats.”.