

EXISTING ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

☐ Repeal ☒ Modification

2. Administrative Rule Chapter, Title and Number

DOC 328 Community Supervision of Offenders

3. Date Rule promulgated and/or revised; Date of most recent Evaluation

8/22/23

4. Plain Language Analysis of the Rule, its Impact on the Policy Problem that Justified its Creation and Changes in Technology, Economic Conditions or Other Factors Since Promulgation that alter the need for or effectiveness of the Rule.

This rulemaking order creates provisions to allow the Department to contract for the supervision of probationers, parolees, or persons on extended supervision who are under minimum or administrative supervision and defines minimum and administrative supervision. This rulemaking order also creates provisions to allow vendors who are contracted for the supervision of probationers, parolees, or persons on extended supervision to charge for fee for this supervision and also specifies when these contractors cannot charge a fee. Additionally, this rulemaking order creates provisions to allow for service providers to retain from the surplus up to 5% of revenue from contracts made under s. 301.08(2)(em), Stats. Lastly, this rulemaking order creates provisions that further define the Department's evidence-based response to violations, requires the Department to review and assess sanctions imposed and further delineates the training the Department will provide to probation and parole agents.

5. Describe the Rule's Enforcement Provisions and Mechanisms

The Department has responsibilities imposed by statute to administer parole, extended supervision, and probation matters. The Department is further directed by statute to promulgate rules for defining and evaluating violation consequences, contracting with vendors to supervise certain individuals, contracting for services and providing agents with training. The rule's enforcement mechanisms are based on existing statutes and administrative rules authorizing the Department to conduct community supervision operations.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

☐ State's Economy

☐ Local Government Units

☐ Specific Businesses/Sectors

☐ Public Utility Rate Payers

☐ Small Businesses

7. Summary of the Impacts, including Compliance Costs, identifying any Unnecessary Burdens the Rule places on the ability of Small Business to conduct their Affairs.

This rule does not regulate small businesses as that term is defined in s. 227.114, Stats, and therefore DOC has determined the changes will not have a significant economic impact on a substantial number of small businesses.

8. List of Small Businesses, Organizations and Members of the Public that commented on the Rule and its Enforcement and a Summary of their Comments.

N/A

9. Did the Agency consider any of the following Rule Modifications to reduce the Impact of the Rule on Small Businesses in lieu of repeal?

☐ Less Stringent Compliance or Reporting Requirements

☐ Less Stringent Schedules or Deadlines for Compliance or Reporting

☐ Consolidation or Simplification of Reporting Requirements

☐ Establishment of performance standards in lieu of Design or Operational Standards

☐ Exemption of Small Businesses from some or all requirements

☐ Other, describe:

10. Fund Sources Affected

11. Chapter 20, Stats. Appropriations Affected

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☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S | N/A

12. Fiscal Effect of Repealing or Modifying the Rule

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs |
| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Could Absorb Within Agency's Budget |
| | | <input type="checkbox"/> Decrease Cost |

13. Summary of Costs and Benefits of Repealing or Modifying the Rule

The proposed rule modifications would align DOC 328 with current practices regarding short-term sanctions, training and skill development for probation and parole agents and contracting requirements.

14. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☒ No

15. Long Range Implications of Repealing or Modifying the Rule

The proposed rule modifications are meant to align DOC 328 with current best practices. The Department could choose not to propose the revisions, which would mean the rule would continue to be outdated relative to current practices and requirements.

16. Compare With Approaches Being Used by Federal Government

There are no existing or proposed federal regulations that address the activities to be regulated by the proposed rules.

17. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

All adjacent states have standard rules of community supervision and adjacent states generally have similar standard rules of community supervision to Wisconsin.

18. Contact Name

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19. Contact Phone Number

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