

**STATEMENT OF SCOPE  
DEPARTMENT OF CORRECTIONS**

**Rule Number:** \_\_\_\_\_

**Relating to:** Ch. DOC 373, Youth Conduct in Type 1 Secured Correctional Facilities  
Ch. DOC 393, Youth aftercare conduct and revocation  
Ch. DOC 396, Type 2 Secured Correctional Facilities

**Rule Type:** Permanent

**1. DETAILED DESCRIPTION OF THE OBJECTIVE OF THE PROPOSED RULE.**

The department intends to review the entire chapter to reflect changes in accordance with Executive Order #15.

**2. DESCRIPTION OF EXISTING POLICIES AND NEW POLICIES INCLUDED IN PROPOSED RULE AND AN ANALYSIS OF POLICY ALTERNATIVES.**

The department needs to review the rule to be consistent with Executive Order # 15 related to inclusive terminology.

There are no alternative means to address the need for revisions as discussed above.

**3. STATUTORY AUTHORITY.**

Section 227.11 (2) Rule-making authority is expressly conferred on an agency as follows:

(a) Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation. All of the following apply to the promulgation of a rule interpreting the provisions of a statute enforced or administered by an agency:

1. A statutory or non-statutory provision containing a statement or declaration of legislative intent, purpose, findings, or policy does not confer rule-making authority on the agency or augment the agency's rule-making authority beyond the rule-making authority that is explicitly conferred on the agency by the legislature.
2. A statutory provision describing the agency's general powers or duties does not confer rule-making authority on the agency or augment the agency's rule-making authority beyond the rule-making authority that is explicitly conferred on the agency by the legislature.
3. A statutory provision containing a specific standard, requirement, or threshold does not confer on the agency the authority to promulgate, enforce, or administer a rule that contains a standard, requirement, or threshold that is more restrictive than the standard, requirement, or threshold contained in the statutory provision.

(b) Each agency may prescribe forms and procedures in connection with any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute,

but this paragraph does not authorize the imposition of a substantive requirement in connection with a form or procedure.

(c) Each agency authorized to exercise discretion in deciding individual cases may formalize the general policies evolving from its decisions by promulgating the policies as rules which the agency shall follow until they are amended or repealed. A rule promulgated in accordance with this paragraph is valid only to the extent that the agency has discretion to base an individual decision on the policy expressed in the rule.

Section 301.02: The department shall maintain and govern the state correctional institutions.

Section 301.025: The division of juvenile corrections shall exercise the powers and perform the duties of the department that relate to juvenile correctional services and institutions, juvenile offender review, community supervision under s. 938.533, and the serious juvenile offender program under s. 938.538.

#### **4. ESTIMATE OF AMOUNT OF TIME THAT STATE EMPLOYEES WILL SPEND DEVELOPING THE RULE AND OTHER RESOURCES NECESSARY TO DEVELOP THE RULE.**

The Department estimates that it will take approximately 40 hours to develop this rule, including drafting the rule, cost estimates, public hearings, and complying with rule making requirements.

#### **5. LIST WITH DESCRIPTION OF ALL ENTITIES THAT MAY BE AFFECTED BY THE PROPOSED RULE.**

This rule will affect youth under the department supervision as well as department staff.

#### **6. SUMMARY AND PRELIMINARY COMPARISON WITH ANY EXISTING OR PROPOSED FEDERAL REGULATION THAT IS INTENDED TO ADDRESS THE ACTIVITIES TO BE REGULATED BY THE PROPOSED RULE.**

There are no federal regulations which address the issue.

#### **7. ANTICIPATED ECONOMIC IMPACT OF IMPLEMENTING THE RULE. NOTE IF THE RULE IS LIKELY TO HAVE AN ECONOMIC IMPACT ON SMALL BUSINESSES.**

The department anticipates that the proposed rule will have minimal to no economic impact statewide or locally.

#### **CONTACT PERSON:**

Shannon Carpenter, Assistant Deputy Secretary, Wisconsin Department of Corrections, 3099 East Washington Ave, P.O. Box 7925, Madison, WI 53707-7925, (608) 240-5090, DOCAdministrativeRulesCommittee@wisconsin.gov.

Date: \_\_\_\_\_

\_\_\_\_\_

Kevin A. Carr, Secretary  
Department of Corrections