

**STATEMENT OF SCOPE OF PROPOSED RULE  
PAROLE COMMISSION**

**SUBJECT:** Amending chapter PAC 1, relating to the repeal under 2011 Wis. Act 38 of statutory provisions relating to modification of sentences under s. 973.01, Stats.

**DESCRIPTION OF THE OBJECTIVE OF THE RULE:**

The objective of the rule is to bring chapter PAC 1 into compliance with 2011 Wis. Act 38. The legislature repealed the provisions of 2009 Wis. Act 28, relating to modification of bifurcated sentences under s. 973.01, Wis. Stats. The commission seeks to repeal and amend the provisions of chapter PAC 1 which were promulgated in response to 2009 Wis. Act 28.

**DESCRIPTION OF EXISTING POLICIES AND NEW POLICIES INCLUDED IN THE PROPOSED RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:**

In response to 2009 Wis. Act 28, the commission promulgated rules to address mechanisms for modification of bifurcated sentences under s. 973.01, Stats. The legislature recently repealed the provisions of Act 28. (See 2011 Wis. Act 38.) The commission seeks to repeal and amend the provisions of chapter PAC 1, relating to modification of bifurcated sentences to come into compliance with 2011 Wis. Act 38.

Failure to engage in the rule making process will result in the commission's rules not being in compliance with 2011 Wis. Act 38.

**STATUTORY AUTHORITY:** ss. 227.11 (2), 304.06 (1) (c), and 304.06 (1) (em), Stats.

**ESTIMATE OF THE AMOUNT OF TIME STATE EMPLOYEES WILL SPEND DEVELOPING THE PROPOSED RULE AND OF OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:**

The commission estimates that it will take approximately 50 hours to develop this rule, including drafting the rule and complying with rulemaking requirements.

**DESCRIPTION OF ALL OF THE ENTITIES THAT WILL BE AFFECTED BY THE RULE.**

The rule affects persons who are convicted of criminal offenses and receive a sentence under s. 973.01, Stats., Department of Corrections staff, and Parole Commission staff.

**SUMMARY OF 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 of modification of sentences under s. 973.01, Wis. Stats.

**CONTACT PERSON.**

Kathryn R. Anderson, Chief Legal Counsel, Wisconsin Department of Corrections, 3099 East Washington Avenue, P.O. Box 7925, Madison, WI 53707-7925, (608) 240-5049, [kathryn.anderson@wisconsin.gov](mailto:kathryn.anderson@wisconsin.gov)

**GOVERNOR'S AND SECRETARY'S APPROVALS**

The statement of scope for this rule, SS 410-PAC 1-Sentence Modifications, was approved by the Governor on August 4, 2011, published in Register \_\_\_\_ (Register Number), on \_\_\_\_\_ (Register publication date), and approved by \_\_\_\_\_ (name of policy making body or individual for the agency as required by s. 227.135 (2)) on \_\_\_\_\_ (date).

Date: September \_\_\_\_, 2011

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Chairperson  
Parole Commission