

NOTICE OF SUBMITTAL TO THE WISCONSIN LEGISLATIVE COUNCIL
OF PROPOSED RULE OF THE EARNED RELEASE REVIEW COMMISSION
TO REPEAL AND RECREATE PAC 1

NOTICE IS HEREBY GIVEN that pursuant to § 227.15, Wis. Stats., the Earned Release Review Commission proposes to repeal and recreate PAC 1, relating to the release of inmates from state prison through parole or other procedures established under 2009 WI Act 28, ss. 2729j – 2738 and 2739d – 2739j.

SUBJECT MATTER OF THE PROPOSED RULE:

The Rule:

1. Revises s. PAC 1.02, Purpose, to more clearly state the purpose of the rule chapter is to set forth the procedures under which the Earned Release Review Commission (formerly Parole Commission) operates.
2. Updated terminology and phrasing throughout the rule to reflect the responsibility of the commission for parole and other release mechanisms under 2009 Act 28.
3. Added definitions for the following terms: denial, extended supervision, extraordinary health condition, file review, informational deferral, no action, and presumptive mandatory release.
4. Moved the definition of "direct input," which had previously been in s. PAC 1.06 (9) (c) to the definition section.
5. Modified the term "member of the family" to "family member" and included domestic partners under ch. 770, Stats., in the definition of covered persons.
6. Modified definitions to include reference to 2009 Act 29 release mechanisms. Specifically, "parole grant" became "parole grant or release order," and "parole eligible" became "parole or release eligible," and "parole consideration" became "release consideration."
7. Clarified the purpose of release consideration in s. PAC 1.04.
8. Modified s. PAC 1.05 to address the commission's authority to consider parole eligibility or release eligibility for inmates depending on the date on which the offense for which they were convicted was committed, including those eligible for early release to extended supervision.
9. Modified s. PAC 1.06 to more clearly state the process by which the commission will consider an inmate for release. Also, included are the additional criteria noted in 2009 Act 28, specifically the inmate has not refused or neglected to perform required or assigned duties. Clarified the criteria used to evaluate participation in required or recommended programming. Finally, deleted the listing of specific offenses which require giving a victim the opportunity for direct input. The commission gives

victims who are registered with the Office of Victims Services an opportunity for direct input in all cases.

10. Modified s. PAC 1.07 to include the process for release recommendations for inmates sentenced for offenses committed on or after December 31, 1999. In addition, clarified the authority of a commissioner to amend a deferral or denial.
11. Added to s. PAC 1.07 the authority and the procedures of the commission to modify an inmate's bifurcated sentence in accordance with s. 304.06 (1) (bk) 1., Stats.
12. Created s. PAC 1.08 to establish procedures for the commission to review inmate petitions for release due to extraordinary health condition or age.
13. Created s. PAC 1.09 to establish procedures for the commission to review inmates who are subject to presumptive mandatory release.

WHETHER PUBLIC HEARING IS REQUIRED:

Public hearing is required under s. 227.16(1), Wis. Stats., and will be scheduled at a later date.

ORGANIZATIONAL UNIT THAT IS PRIMARILY RESPONSIBLE FOR PROMULGATION OF THE RULE:

Wisconsin Earned Release Review Commission

DATE SUBMITTED TO THE WISCONSIN LEGISLATIVE COUNCIL:

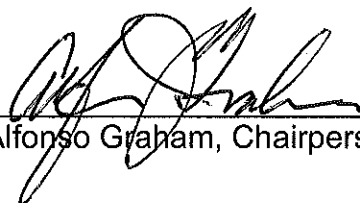
December 18, 2009

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APPROVAL BY CHAIRPERSON OF THE WISCONSIN EARNED RELEASE REVIEW COMMISSION:

12-18-2009
Date


Alfonso Graham, Chairperson