

**NOTICE OF SUBMITTAL TO THE WISCONSIN LEGISLATIVE COUNCIL  
OF PROPOSED RULE OF THE DEPARTMENT OF CORRECTIONS**

NOTICE IS HEREBY GIVEN that pursuant to § 227.15, Wis. Stats., the Department of Corrections proposes an order relating to changes in various statutory provisions relating to sentence calculations and prison release under 2009 Wisconsin Act 28, specifically, §§ 302.045 and 302.05, Stats., respectively, as amended by 2009 Wis. Act 28, §§ 2700 – 2712, § 302.113 (9g), as renumbered and amended by 2009 Wis. Act 28, §§ 2729j through 2738, 302.113 (2) (b), 304.06 (1) (bg) 1. and 2., as created by 2009 Wis. Act 28, §§ 2722 and 2751, § 302.113 (9h), as created by 2009 Wis. Act 28, § 2739, § 973.031, as created by 2009 Wis. Act 28, § 3387t, § 302.042, as created by 2009 Wis. Act 28, § 2699m, and § 304.06 (1) (bg) 3. and 4., as created by 2009 Wis. Act 28, § 2751, and relating to an administrative review of inmate classification decisions.

**SUBJECT MATTER OF THE PROPOSED RULE:**

**The Rule:**

The emergency rule amends chapter DOC 302 to bring it into compliance with significant changes made in sentence calculations and releases from prison under 2009 Wis. Act 28, including:

1. Creating definitions for the following terms: administrator, agent, assaultive activity, certain early release, detainer, extended supervision, positive adjustment time, projected extended supervision date, risk eligibility date, social worker, and victim.
2. Creating DOC 302.33, DOC 302.34, and DOC 302.35, relating to positive adjustment time under 302.113 (2) (b), 304.06 (1) (bg) 1. and 2., as created by 2009 Wis. Act 28, §§ 2722 and 2751;
3. Creating DOC 302.36 and DOC 302.37, relating to sentence calculations under § 304.06 (1) (bg) 3. and 4., as created by 2009 Wis. Act 28, § 2751, for an inmate who has been convicted under § 973.01, Stats., following the inmate's having served at least 75% or 85% of the confinement time of a bifurcated sentence, depending on the classification of the crime.
4. Creating DOC 302.38 and DOC 302.39, relating to the challenge incarceration program and the earned release program under §§ 302.045 and 302.05, Stats., respectively, as amended by 2009 Wis. Act 28, §§ 2700 – 2712;
5. Creating DOC 302.40, relating to the risk assessment program under § 302.042, as created by 2009 Wis. Act 28, § 2699m;
6. Creating DOC 302.41, relating to the early release of certain inmates within 12 months of their release under § 302.113 (9h), as created by 2009 Wis. Act 28, § 2739; and

7. Repealing and recreating DOC 302.18, relating the inmate requests for review of Department decisions concerning custody, institution placement, program needs, or treatment needs.

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:

Department of Corrections, Division of Adult Institutions

DATE SUBMITTED TO THE WISCONSIN LEGISLATIVE COUNCIL:

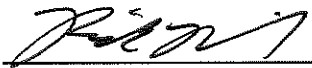
December 18, 2009

CONTACT PERSON:

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APPROVAL BY SECRETARY OF THE DEPARTMENT OF CORRECTIONS:

12/18/09  
Date

  
Rick Raemisch, Secretary