

## **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 to repeal and recreate DOC 331, relating to the revocation of probation, parole, or extended supervision.

### **SUBJECT MATTER OF THE PROPOSED RULE:**

#### **The Rule:**

1. Reorganizes and renumbers the chapter.
2. Updates terminology, including references to extended supervision.
3. Creates definitions for the terms: magistrate and reviewing authority.
4. Clarifies the investigatory process the department follows when an offender is believed to have violated the conditions or rules of supervision.
5. Creates a section requiring notice to an offender for whom revocation of community supervision is being recommended following investigation into alleged violations of the conditions or rules of supervision.
6. Clarifies the provision regarding the process for preliminary hearing.
7. Creates a provision which states that the final revocation hearing is conducted by the division of hearings and appeal in the department of administration.
8. Creates a provision which clarifies the process to be followed when an offender waives his or her right to a revocation hearing.
9. Clarifies the process for termination of revocation procedures.
10. Clarifies the impact of concurrent criminal prosecution on revocation procedures.
11. Clarifies the special revocation procedures for an offender committed under s. 961.47, Stats.
12. Clarifies the provision addressing harmless error.
13. Clarifies the procedure to be followed for determining good time forfeiture, reincarceration or reconfinement time.
14. Incorporates the provision addressing reincarceration into the provision which addresses the procedure for determining good time forfeiture and reconfinement time.
15. Moves the provision which addresses tolled time to chapter DOC 328.
16. Moves the provision which addresses reinstatement to chapter DOC 328.
17. Repeals chapter DOC 331 appendix.

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 Community Corrections

DATE SUBMITTED TO THE WISCONSIN LEGISLATIVE COUNCIL:

October 29, 2010

CONTACT PERSON:

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APPROVAL BY SECRETARY OF THE DEPARTMENT OF CORRECTIONS:

October 29, 2010

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Rick Raemisch, Secretary