

<b>2009 Session</b>	Administrative Rule Number <b>PAC 1</b>
<b>FISCAL ESTIMATE</b> DOA-2048 N(R06/99)	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL

**Subject**  
**Wisconsin Earned Release Review Commission Administrative Rules**

**Fiscal Effect**  
 State:  No State Fiscal Effect  
 Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input checked="" type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs
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**Local:**  No local government costs

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory  2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory  4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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<b>Fund Sources Affected</b> <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>Affected Chapter 20 Appropriations</b> 20.410 (2)
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**Assumptions Used in Arriving at Fiscal Estimate**

This rule repeals PAC 1 relating to procedures for the release of inmates from Wisconsin prison and recreates the chapter to incorporate current practice and changes required by 2009 Wisconsin Act 28.

The Earned Release Review Commission [ERRC—formerly the Parole Commission] has authority to promulgate rules governing its procedures for considering inmate petitions for release. This rule incorporates current procedures, changes in practice and law changes [2009 Wisconsin Act 28] including consideration of inmate petitions for release due to age or to extraordinary health considerations, early release of certain truth-in-sentencing offenders [TIS] and inmates who have served 75% or 85% of the term of confinement. This rule sets forth the procedures by which ERRC will operate.

Extraordinary Health or Aged

Prior to the passage of 2009 Act 28, inmates sentenced under truth-in-sentencing [TIS], and who had a Class C through Class I felony, could petition the sentencing court for early release if the inmate had a terminal health condition. Instead of petitioning the sentencing court, inmates will now petition ERRC for early release consideration if the inmate claims to have an extraordinary health condition as certified by two physicians. This procedure also applies to inmates who are 60 years old or older and have served 10 years of the sentence or 65 years old or older and served 5 years of the sentence.

The Department can not estimate the number of inmates who will petition ERRC for early release pertaining to extraordinary health circumstances or age, since many more inmates than those who are eligible may apply.

Positive Adjustment Time

Effective October 1, 2009, ERRC will also review all TIS petitions, rather than the courts, and expand reviews to include Class A and Class B felonies, as well as consideration of positive adjustment time eligibility. The Department can not estimate how many of the eligible inmates will be approved to be released early.

**Long-Range Fiscal Implications**

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2009 Wis. Act 28 allows private attorneys, public defenders, victims and District Attorneys to attend ERRC hearings. Hearings are thus expected to take more time and be rescheduled more often to accommodate the additional attendees' schedules. Additional security precautions may be necessary if these individuals attend in person or additional telephonic equipment may be necessary if these individuals attend by telephone/videoconference. ERRC support staff workload will also increase to include scheduling, file preparation, data entry, and preparation and mailing of hearing notification letters, for all TIS offenders currently reviewed by courts.

Although the Department can not project the full impact of the changes at this time, it is assumed that in the short term the currently authorized positions in the ERRC will be able to absorb the increased workload.