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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 94-194

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

The definition of “supervised release” in s. HSS 98.03 (23m) is awkwardly drafted. In addition, consideration should be given to cross-referencing in the definition relevant statutory provisions relating to supervised release in order to make the definition tighter.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The department’s analysis, first paragraph, fails to mention the possibility of an order for supervised release in connection with modification of a commitment order under s. 980.08, Stats. See, also, the department’s fiscal estimate.

b. In the second sentence of the second paragraph of the department’s fiscal estimate, it appears that “to” should be inserted between “is” and “be.”

c. The rule makes minimal changes to an existing rule in order to expand the scope of the current rule to include sexually violent persons on supervised release. The current rule applies to persons on supervised release. The current rule applies to persons committed to the department on conditional release after being found not guilty in a criminal action by reason of mental disease or defect. Because so few changes are made to the current rule, it is assumed that the department has determined that more specific tailoring of the rule to supervision of sexually violent persons is unnecessary. The department’s analysis gives no explanation as to why this is the case nor does it summarize the content of the current rule.