

Clearinghouse Rule 09-039

NOTICE OF SUBMITTAL TO THE WISCONSIN LEGISLATIVE COUNCIL OF PROPOSED RULE OF THE DEPARTMENT OF CORRECTIONS TO REPEAL AND RECREATE DOC 346

NOTICE IS HEREBY GIVEN that pursuant to § 227.15, Wis. Stats., the Department of Corrections proposes to repeal and recreate DOC 346, relating to secure detention facilities and juvenile portions of a county jail.

SUBJECT MATTER OF THE PROPOSED RULE:

The Department of Corrections is authorized under s. 301.37, Statutes, to develop “reasonable standards and regulations” for facilities, including secure detention facilities. The last revision of the current rule was in 1994. Subsequent changes in the law and accepted correctional practices necessitate revisions to DOC 346, including new standards.

The rule addresses three primary needs:

1. Repeal and recreate the DOC 346 to update, renumber and reorder for clarity; The Department is seeking revision of DOC 346, which not only reflects changes in law and correctional practice, but also clarifies existing standards. Since the last revision, it became apparent that clarification of many sections was necessary.
2. Bring the rule into conformity with ch. 938, Juvenile Justice Code, Wis. Statutes; In 1996 the WI legislature created the Juvenile Justice Code (Chapter 938), which provided new direction in the ways juveniles would be managed in the juvenile justice system. DOC 346 was not changed at the time. The Department seeks to change DOC 346 to better reflect the changes in the law.
3. Bring the rule into conformity with the federal Juvenile Justice and Delinquency Prevention Act.

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, Off ice of Detention Facilities

DATE SUBMITTED TO THE WISCONSIN LEGISLATIVE COUNCIL:

May 28, 2009

CONTACT PERSON:

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APPROVAL BY SECRETARY OF THE DEPARTMENT OF CORRECTIONS:

Date

Rick Raemisch
Secretary