

CR 94-176

STATE OF WISCONSIN)
) SS
PAROLE COMMISSION)

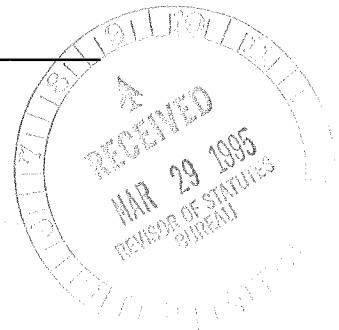
I, John E. Husz, Chairperson, Parole Commission and custodian of the official records, certify that the annexed rules, relating to notification of victims of an opportunity to provide direct input into the parole decision and to submit written statements to the parole commission, were duly approved and adopted by this Commission on March 29, 1995.

I further certify that this copy has been compared by me with the original on file in this Commission and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Parole Commission 149 E. Wilson Street in the city of Madison, this 29th day of March, 1995.

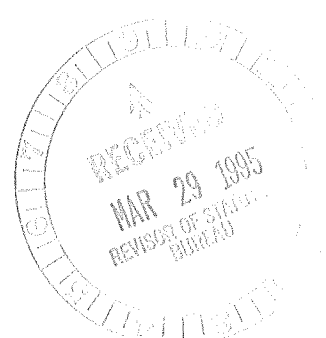
SEAL

John E. Husz, Chairperson



6-1-95

ORDER OF THE
PAROLE COMMISSION
ADOPTING RULES



The Wisconsin Parole Commission adopts the rules included in this order to renumber PAC 1.03 (8) to (10); to amend PAC 1.01; to create PAC 1.03 (8), PAC 1.03 (11), PAC 1.03 (13), PAC 1.06 (9), and PAC 1.06 (10), relating to notification of victims of an opportunity to provide direct input into the parole decision and to submit written statements to the parole commission.

Statutory authority: ss. 304.06 (1) (e), 304.06 (1) (em) and 227.11 (2), Stats.

Statutes interpreted: ss. 304.06 (1) (em) and 304.063 (2), Stats.

Analysis Prepared by the Parole Commission

In 1993 Wisconsin Act 97, s. 304.06 (1) (em), Stats., was created. This law directs the Parole Commission to promulgate rules that provide a procedure to allow a victim or a family member of a victim of a specified crime to have direct input in the parole decision-making process. 1993 Wisconsin Act 224 and 1993 Wisconsin Act 479 amended s. 304.06 (1) (em), Stats. to include additional crimes. The crimes include first-degree intentional homicide, felony murder, second-degree intentional homicide, first-degree sexual assault, second degree sexual assault, first-degree sexual assault of a child, second-degree sexual assault of a child, repeated acts of sexual assault of the same child, incest with a child, or child enticement.

This rule defines direct input to mean the victim has been given the opportunity to contact the Parole Commission staff with questions or to express concerns about how the crime has affected them or how they feel about the offender's release.

In order, to have an opportunity to provide direct input for the Parole Commission, the rules require the victim to be registered in the Parole Eligibility Notification System. The rules require written notice of the parole interview be provided to the victim 60 days before the parole interview.

A summary of the victim's comments is to be available at the parole interview for consideration by the Parole Commission.

This rule also permits a victim to submit written statements to the parole commission as provided in s. 304.06 (1) (e), Stats.

SECTION 1. PAC 1.01 is amended to read:

PAC 1.01 Authority. This chapter is promulgated under ~~s.~~ ss. 227.11 (2) 304.06 (1) (e), and 304.06 (1) (em), Stats.

SECTION 2. PAC 1.03 (8) is renumbered 1.03 (9).

SECTION 3. PAC 1.03 (8) is created to read:

PAC 1.03 (8) "Member of the family" means spouse, child, sibling, parent or legal guardian.

SECTION 4. PAC 1.03 (9) is renumbered 1.03 (10).

SECTION 5. PAC 1.03 (11) is created to read:

PAC 1.03 (11) "Parole eligibility notification system" means the victim notification program used to register a victim of a crime or a victim's family member.

SECTION 6. PAC 1.03 (10) is renumbered 1.03 (12).

SECTION 7. PAC 1.03 (13) is created to read:

PAC 1.03 (13) "Victim" means a person against whom a crime has been committed or a member of the victim's family.

SECTION 8. PAC 1.06 (9) and 1.06 (10) are created to read:

PAC 1.06 (9) (a) The parole commission shall provide an opportunity for direct input from a victim before recommending parole for the following offenses:

1. First-degree intentional homicide under s. 940.01, Stats.
2. Felony murder under s. 940.03, Stats.
3. Second-degree intentional homicide under s. 940.05, Stats.
4. First-degree sexual assault under s. 940.225 (1), Stats.
5. Second-degree sexual assault under s. 940.225 (2), Stats.
6. First-degree sexual assault of a child under s. 948.02 (1), Stats.
7. Second-degree sexual assault of a child under s. 948.02 (2), Stats.

8. Repeated acts of sexual assault of the same child under s. 948.025, Stats.

9. Incest with a child under s. 948.06, Stats.

10. Child enticement under s. 948.07, Stats.

(b) The parole commission shall give the victim the opportunity to provide direct input to the parole commission as follows:

1. Work with the county victim-witness coordinator to assure that the victim is aware of the victim's right to have direct input with the parole commission.

2. Notify the victim registered in the parole eligibility notification system of the procedure necessary to provide direct input for all parole commission interviews. Notification of the parole interview will be in writing 60 days before the parole interview with an opportunity for the victim to provide direct input to the parole commission at least 30 days before the scheduled parole interview.

3. Schedule a time for the victim to provide direct input if requested.

4. Summarize the victim's direct input.

5. Make the summary available for consideration at the parole commission interview.

(c) For the purpose of this subsection, "direct input" means the victim has been given the opportunity to contact the parole commission staff with questions or to express concerns about how the crime has affected them or how they feel about the offender's release. Direct input may be given by telephone or in person.

PAC 1.06 (10) The parole commission shall permit any office or person to submit written statements for consideration in its parole decision-making process as provided under s. 304.06 (1) (e), Stats.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Parole Commission

Dated: March 29, 1995 By: John E. Husz, Chairperson
Parole Commission

Seal:

