

1999 Session		LRB Number -1717/1
FISCAL ESTIMATE DOA-2048 N(R06/99)		Bill Number AB 516
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL		Amendment No. if Applicable
Subject Creating a Plea of Guilty but Mentally Ill		Administrative Rule Number
Fiscal Effect State: <input type="checkbox"/> 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 type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local: <input type="checkbox"/> 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
Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		Affected Chapter 20 Appropriations
Assumptions Used in Arriving at Fiscal Estimate <p>This bill creates a plea and verdict of guilty but mentally ill (GBMI) in criminal cases. Current criminal pleas are:</p> <ul style="list-style-type: none"> • guilty • not guilty • no contest • not guilty by reason of mental disease or defect, and • alford which means the defendant accepts sentencing as if guilty, but admits no guilt <p>Wisconsin's proposed law mirror Michigan and Illinois' current law except that Wisconsin is proposing to include only those accused of certain homicides, rather than all felonies, in the legislation.</p> <p>Michigan's current institution population is approximately 44,210 (October 99). In 1997, Michigan estimated that approximately 1% were incarcerated under the GBMI finding (44,210 * 1% = 442). Michigan also estimated that approximately 30% of GBMI offenders had homicide governing offenses (442 * 30% = 132 offenders).</p> <p>Illinois' current institution population is approximately 44,459 (September 99). In 1997, Illinois estimated that approximately 1/2% were incarcerated under the GBMI finding. (44,459 * 1/2% = 222). Illinois also estimated that approximately 60% of GBMI offenders had homicide governing offenses. (222 * 60% = 133 offenders)</p> <p>Wisconsin's resident adult correctional institution population is approximately 19,177 (October 99). Using Michigan's percentages, Wisconsin could expect 58 offenders to be GBMI and have homicide governing offenses ((19,177 * 1%) * 30% = 58). Using Illinois' figures would also result in Wisconsin having 58 GBMI offenders with homicide governing offenses ((19,177 * 1/2%) x 60%).</p> <p style="text-align: center;">(continued on following page)</p>		
Long-Range Fiscal Implications See above.		
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If we assume GBMI inmates are currently found guilty, these inmates would already be incarcerated in the Wisconsin correctional system. Based upon 1997 research on Illinois and Michigan admissions, Wisconsin could expect to reach the additional population only after several years' experience with admissions of approximately 2 per year. (Wisconsin's inmate population is approximately 1/3 of Michigan or Illinois; thus we assume yearly admissions to be 1/3 of the other states).

This bill does not define "evaluation" or "appropriate treatment". Currently, all Wisconsin inmates are evaluated when they enter the correctional system and receive mental health treatment on a triage basis and as funding allows. If it is assumed that the current level of evaluation and treatment remains the same, the Department anticipates no additional costs for evaluating and treating this group.

Judges may also place the person on probation. Currently, either the sentencing Court or the Department of Corrections may order the offender to undergo mental health assessment and treatment as a condition of probation. This bill orders the Department of Corrections to evaluate and provide appropriate mental health treatment required by the evaluation.

During CY 1998, 34 people were convicted of one of the homicide crimes specified in this bill and were placed on probation. Data compiled by the Department of Health & Family Services indicates the average per person cost of one-year of outpatient mental health treatment costs \$12,000. Inpatient mental health treatment costs would be substantially higher. Even assuming this data is representative of future statistics, the Department of Corrections cannot predict how many of the 34 people a year convicted of a homicide and placed on probation would be considered mentally ill. In addition, the financial impact could be cumulative if treatment should last more than a single year, per person.