

LRB or Bill No./Adm. Rule No.  
LRB 99-3694/1  
SB 388

Amendment No. if Applicable

X ORIGINAL       UPDATED

**FISCAL ESTIMATE**

CORRECTED       SUPPLEMENTAL

DOA-2048 N(R10/96)

**Subject**  
Sexually violent person commitment proceedings

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

X Increase Costs - May be possible to Absorb Within Agency's Budget  Yes    X No

- Increase Existing Appropriation       Increase Existing Revenues
- Decrease Existing Appropriation       Decrease Existing Revenues
- Create New Appropriation

Decrease Costs

Local:  No local government costs

- 1.  Increase Costs
  - Permissive     Mandatory
- 2.  Decrease Costs
  - Permissive     Mandatory

- 3.  Increase Revenues
  - Permissive     Mandatory
- 4.  Decrease Revenues
  - Permissive     Mandatory

5. Types of Local Governmental Units Affected:
- Towns       Villages       Cities
  - Counties     Others \_\_\_\_\_
  - School Districts       WTCS Districts

**Fund Sources Affected**

X GPR     FED     PRO     PRS     SEG     SEG-S

**Affected Ch. 20 Appropriations**

s. 20.550 (1)(c), (d)

**Assumptions Used in Arriving at Fiscal Estimate**

This bill makes various changes to chapter 980. The State Public Defender's Office (SPD) expects that additional chapter 980 petitions will be filed upon enactment of this bill. Specifically, the following provisions contained in the bill would likely result in an increase in the number of 980 petitions filed: (1) allowing DOJ or a district attorney to file a petition regardless of the outcome of an agency's evaluation as to whether a person meets the criteria for commitment; (2) allowing DOJ or a district attorney to file a petition regardless of the conclusion of the expert who conducts a special purpose evaluation at the request of the agency; and (3) allowing DOJ or a district attorney to retain a qualified expert to conduct a separate evaluation of the person.

While the SPD believes the foregoing provisions in the bill would increase the number of ch. 980 cases filed, the SPD cannot estimate any actual number. To show the potential numbers, however, the SPD can provide the following information. According to DOC, in 1999, DOC conducted a case review on 833 sex offenders. Of those 833 persons, the DOC decided to conduct a special purpose evaluation on 106 persons. Of the 106 persons subject to a special purpose evaluation, 35 to 40 were referred to DOJ for the filing of a ch. 980 petition. Therefore, using these 1999 figures, the number of additional persons who could have a ch. 980 petition filed against them if this bill became a law is 66 to 71. (As mentioned above, under the bill a petition may be filed regardless of the outcome of DOC's evaluation.)

According to the Director of State Courts Office, 37 ch. 980 cases were filed in 1999. The SPD estimates that it represents approximately 90% of the persons who are subject to a ch. 980 petition and that the average cost per private bar ch. 980 case (based on current data) is \$8800 (\$6400 attorney time at \$40 per hour and \$2400 expert costs). Thus, the SPD's costs would increase by \$8800 for each additional ch. 980 case that is filed upon enactment of this bill.

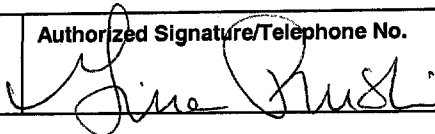
Also, the SPD's expert costs would likely increase as a result of enactment of this bill.

**Long-Range Fiscal Implications**

Indeterminate at this time. The SPD will carefully monitor the fiscal effect of this bill, if enacted, for future budget considerations.

Agency/Prepared by: (Name & Phone No.)  
SPD/Gina Pruski/6-6782

Authorized Signature/Telephone No.



Date  
Feb. 23, 2000