

Fiscal Estimate Narratives

DOC 2/1/2008

LRB Number 07-0001/1	Introduction Number AB-0566	Estimate Type Original
Description Creating a registry for violent offenders, requiring the exercise of rule-making authority, and providing penalties		

Assumptions Used in Arriving at Fiscal Estimate

This bill requires persons convicted, adjudicated, or found not guilty of the offense by reason of mental disease, of certain violent felonies to register with the Department of Corrections. These offenses include certain types of homicide, certain types of batteries, mayhem, taking hostages, kidnapping, arson of buildings, property damage by explosives, carjacking, robberies including a weapon or implying a weapon, and intentional physical abuse of a child. In addition, a court may order a person who commits another felony or misdemeanor [including violations of restraining orders] to register as a violent offender if the court determines the person's actions demonstrate a pattern of violent activity.

This bill requires the Department to create and to maintain a registry and verify information contained in the registry, notify victims and victim families of changes to registry information under certain circumstances, and to notify other jurisdictions where the offender is required to file as a violent offender of registry information. Most offenders are required to register under this bill for 15 years after the offender is last on supervision.

This bill also allows the Department to collect a registration fee of up to \$50 annually, per offender, requires the Department to provide the registration data to law enforcement and certain government agencies, and requires the Department to provide select information to the general public.

The bill establishes a penalty for knowingly failing to comply with the registration requirements. Depending on the circumstances of the offense, penalties range from imprisonment for not more than 9 months to a Class H felony (maximum of 3 years confinement time and 3 years extended supervision).

Who Must Register

This bill requires any person convicted, adjudicated delinquent or found not guilty or not responsible by reason of mental disease or defect of a violent crime or those found to have a pattern of violent activity by the court to register with the Department's violent offender registry for at least 15 years after the person has been discharged from supervision.

The bill does not differentiate between juveniles under the Department's supervision and those juveniles being supervised by one of Wisconsin's counties. Both groups would be required to register.

What Information Must be Provided

The offender or the Department of Health and Family Services [DHFS], if the offender is under the supervision of DHFS, must provide:

- Offender's name and aliases,
- Date of birth, gender, race, height, weight, and hair and eye color
- Statute the person violated that subject the person to the registration requirement, date of conviction, adjudication or commitment, and the county and state in which the person was convicted, adjudicated, or committed
- Name of the agency supervising the person, office or unit and telephone number of the office or unit
- Name and address of the place at which the person will be employed
- Name and location of the school at which the person will be enrolled
- Most recent date on which the registry was updated

Access to Data

The Department is required to provide the violent offender registry (VOR) data to the Department of Justice [DOJ] and local law enforcement. DOJ is required to provide the data to local law enforcement via its

transaction information management enforcement system.

In addition, the Department is required to notify victims and victim families of certain data and updates included in the violent offender registry.

The Department is also required to provide all of the information above to the public via internet connection. The Department is allowed to provide additional information if the Department determines it is necessary to protect the public.

Finally, this bill allows access to certain information included in the registry to the Departments of Revenue and Workforce Development for the purposes of collecting taxes and child support and creates a penalty for knowingly releasing information from the registry for which a person is not entitled.

Number of Registrants

An offender is required to register for at least 15 years after release or discharge from supervision, whether the offender was convicted or adjudicated, whether the offender is juvenile or adult, or whether supervision is provided by DOC, DHFS, or a county.

Forty-eight juvenile offenders were admitted to the Department during CY 2006 and an additional 653 adult offenders were admitted to prison or community supervision during CY 2006 for violations of statutes included in the violent offender registry. Assuming admissions are constant, the Department would add approximately 701 offenders annually to the registry.

The Department is unable to ascertain the number of juveniles adjudicated delinquent for a violent offense who are being supervised by a county who would be required to register. In addition, the Department is unable to predict the number of offenders required to file in another state who live, go to school, or work in Wisconsin who are not under the Department's supervision. Finally, the Department is unable to predict the number of offenders the court will find guilty of a pattern of violent activity for certain violations including violations of restraining orders.

Penalties

This bill establishes penalties for the violent offender who does not register or who does not update information in a timely manner. Although the Department can not predict the number of offenders who will be convicted of non-compliance, for comparative purposes only, during CY 2006, 755 sex offenders out of a total of approximately 19,100 were certified by the Department as being non-compliant with sex offender registry requirements, or approximately 4%. Assuming similar percentages, 4% of the first year violent offender registrants [approximately 701] totals 28 non-compliance cases.

This bill also establishes a penalty for knowingly failing to keep violent offender information confidential. This penalty includes a fine of not more than \$500 and/or not more than 30 days imprisonment. The Department can not predict the number of convictions for this penalty.

Registration Fee

This bill allows the Department, if an offender is in custody or supervised by the Department, to charge up to \$50, annually, to persons required to file as a violent offender. Those fees can then be used to partially offset the Department's Community Corrections program costs.

It is assumed the violent offender registration fees will be implemented similar to the current sex offender registry (SOR) registration fees—the Department does not charge juvenile offenders a sex offender registry registration fee.

If adult offenders [incarcerated and in the field--approximately 653 in year 1] were to pay \$50/each annually, and at the same rate as sex offenders are currently paying for the sex offender registry [22%] the Department would collect \$7,200 in the first year, \$14,400 in year two, and \$107,700 by the 15th year. The revenue would be used to reduce the GPR costs of operating the program.

It is unclear if reporting the name and location of a violent offender's employer in this registry will have an impact on the employability of these offenders in the community. If so, a reduced level of employment may impact on fee collections.

Costs and Staffing

Information Technology Staff and Costs: This bill requires development of a public web site, an offender fee management system, and interfaces with multiple governmental agencies and victim notification systems during the 6 month time period between the effective date and the implementation date.

One-time costs include development costs of approximately \$535,100 for the public website, \$143,400 for the automated billing and receipting of the offender fees, \$139,400 for the interfaces with the Department of Justice [including local law enforcement] and the vendor providing information to victims, and \$50,000 for additional software licenses. Ongoing operating and maintenance costs of the VOR total approximately \$226,800, annually.

Additionally, assuming a similar process is implemented for providing victim notification for the Department's sex offender registry, the Department would incur approximately \$20,000 in start-up connectivity costs and an additional \$25,000 annually for maintenance of the programming.

It should be noted that the Department would seek to leverage SOR capabilities [and reduce development costs] to provide a public web-site, interface with outside law enforcement and public agencies, and track and collect revenues. Nevertheless, the Department's Bureau of Technology Management indicates the VOR would be built from the ground up, rather than share the SOR's information technology architecture, because much of the SOR software technology is outdated and no longer supported by the vendor. Rather than piggyback off of SOR and then have to re-develop both SOR and VOR in order to integrate with the Department's in-process Wisconsin's Integrated Correctional System [WICS], the VOR would use an architecture that will be supported.

Violent Offender Registry Staff and Costs: The Department's Sex Offender Registry staff manages over 19,100 registrants today. For comparative purposes, this bill would require approximately 700 violent offenders to register by the end of the first year and approximately 1,400 to register by the end of the second year [excluding out of state and county supervised juveniles and court ordered 'pattern of violent offense' offenders].

VOR staff is estimated to include 1.0 Correctional Services Supervisor [to supervise all staff and manage all VOR functions], 0.5 Office Operations Associate [clerical support, mailings, data entry], 0.5 Financial Specialist 2 [to track and receipt fees], 0.5 IS Business Automation Consultant/Admin [to collect, produce reports and analyze statistical data related to VOR], and 2.0 Corrections Program Specialist – Obj [to verify data, certify non-compliance, and testify if necessary, of non-compliance].

Summary

The Department requires \$922,100 GPR in one-time costs and 4.5 GPR FTE and \$670,300 GPR and \$7,200 PR-O annually to develop and maintain a violent offender registry.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2007 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

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Description Creating a registry for violent offenders, requiring the exercise of rule-making authority, and providing penalties			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): \$922,100			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes	\$277,900		\$
(FTE Position Changes)	(4.5 FTE)		
State Operations - Other Costs	399,600		
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$677,500		\$
B. State Costs by Source of Funds			
GPR	670,300		
FED			
PRO/PRS (7200)	7,200		
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
	Increased Rev		Decreased Rev
GPR Taxes	\$		\$
GPR Earned			
FED			
PRO/PRS (7200)	7,200		
SEG/SEG-S			
TOTAL State Revenues	\$7,200		\$
NET ANNUALIZED FISCAL IMPACT			
	State		Local
NET CHANGE IN COSTS	\$677,500		\$
NET CHANGE IN REVENUE	\$7,200		\$
Agency/Prepared By Authorized Signature Date			
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