

Fiscal Estimate Narratives

SPD 1/3/2014

LRB Number	13-1315/1	Introduction Number	AB-0575	Estimate Type	Original
Description Psychiatric and behavioral care and treatment for individuals with dementia, dementia care units, and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal and certain commitment proceedings. The SPD plays a critical role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

The bill creates a new subchapter in Wis. Stats. Ch. 55 titled "Care and Treatment for Individuals With Dementia." The subchapter applies to the provision of behavioral and psychiatric evaluation, diagnosis, services and treatment and the involuntary administration of psychotropic medication to individuals with dementia to address or alleviate symptoms or conditions associated with dementia, mental illness, and other psychiatric conditions. The bill specifies that individuals with dementia generally are not subject to Ch. 51 emergency detention and involuntary commitment procedures.

The bill creates alternative procedures within Ch. 55 under which individuals with dementia may be protectively placed in or transferred to dementia crisis units, in a planned manner or in an emergency situation, for the purpose of behavioral or psychiatric evaluation, diagnosis, services, or treatment.

The SPD has no data to predict the number of additional commitment cases that would result from the changes proposed in this bill. The SPD's average cost to provide representation with a private bar attorney in a commitment case is \$167.74, calculated on the basis of the SPD's average cost per case in fiscal year 2013. Because of the annual caseloads for staff attorney positions specified for budgeting purposes under § 977.08(5), Stats., it would be more cost effective to add staff attorney positions if a significant number of SPD cases resulted from this provision of the bill.

Long-Range Fiscal Implications