

Fiscal Estimate Narratives

DOC 2/1/2016

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| LRB Number | 15-0662/2 | Introduction Number | AB-0614 | Estimate Type | Original |
| Description Creating a procedure for granting certificates of qualification for employment | | | | | |

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who has been convicted of a crime may be ineligible for, or at a disadvantage related to, certain types of employment, occupational licensing, or occupational certification. This bill creates a certificate of qualification for employment (CQE) that is issued by the parole commission and that grants relief to the person from ineligibility or disadvantage related to employment, occupational licensing, or occupational certification.

Under the bill, a court that sentences a person for a nonviolent crime may determine that the person may, at a later date, apply to the Department of Corrections (DOC) for a CQE. The person is eligible to apply for a CQE six months after he or she is sentenced.

The bill requires DOC to assign an investigator to determine, after consulting with courts, prosecutors, and victims of the person, whether to recommend that the parole commission issue a CQE to the person.

Under the bill, the investigator is required to recommend that the parole commission issue a CQE if he or she determines that granting a CQE to the person will not pose a risk to public safety, that the CQE will substantially assist the person in obtaining employment or occupational licensing or certification, and that the person is less likely to commit an additional criminal offense if he or she obtains a CQE.

Under the bill, the parole commission holds a hearing and determines, within 60 days after it receives a recommendation from the investigator, whether to issue a CQE. The bill does not allow the parole commission to issue a CQE that provides relief from ineligibility for certain occupations, licenses, or certifications that are related to certain offenses, that are designed to protect public health and safety, or that have a close connection to the crime for which the person was convicted. Under the bill, generally, if a person who receives a CQE is convicted of a felony or of a Class A or Class B misdemeanor or has his or her probation or extended supervision revoked for committing a criminal offense, the CQE is permanently revoked.

The bill provides limited immunity from civil liability for employers who hire a person who is issued a CQE. Under the bill, the employer is immune from liability for the acts or omissions of the employee unless the employer acted maliciously, with gross negligence, or with intent to cause harm when he or she hired the employee.

Analysis

The bill is similar to a CQE program in Ohio that had 2,143 CQE petitions in 2014. Ohio, according to 2953.25 (a)&(b) allows offenders to apply for a CQE once they are off supervision for a specified time period. Wisconsin will allow all non-violent offenders with court approval to apply 6 months after sentencing. Since there is no way to know how many offenders are off supervision in Ohio, there is no way to directly compare the two populations. In order to provide a best estimate of the number of offenders who would apply for a CQE in Wisconsin, a comparison of Wisconsin and Ohio's community supervision was utilized. Wisconsin's community corrections population is 26% of Ohio's community corrections population according to a comparison of 2014 Bureau of Justice Statistics information on Ohio's community corrections and the Wisconsin DOC's probation and parole population data. Thus, for purposes of this estimate the DOC assumes that it will have 557 CQE petitions annually (26% of the 2,143 CQE petitions in Ohio).

There is a \$50 fee per petition. Thus, the DOC will collect up to (the fee can be waived) an estimated \$27,900 (\$50*557) annually.

Division of Community Corrections (DCC)

The DCC will be responsible for assigning a probation and parole agent, the investigator, to work with the

courts, prosecutors, and victims of the person, to determine whether to recommend that the parole commission issue a CQE to the person. The DOC estimates that this work will be similar to a Pre-Sentence Investigation (PSI). Thus, using the DOC's Case Classification/Staff Deployment (CCSD) calculations which show that each PSI takes on average 14 hours to complete, the DOC estimates that CQE investigation will also take 14 hours per case. Any time the Department requires additional probation and parole agents, the CCSD calculations also take into account the number of supervisors and support positions needed to also support the increased workload.

The total estimated cost for DCC to investigate 557 annual CQE applications is \$600,700 and 9.00 FTE. The DCC will need 2.00 FTE Office Operations Associates, 1.00 Corrections Field Supervisor, and 6.00 Probation and Parole Agents.

Parole Commission

The proposal requires the Parole Commission to hold a hearing to determine if they should issue a CQE to an individual. The proposed bill does not state what type of hearing, its composition, nor its required participants. Unknown requirements regarding the creation of a record, its distribution, and administration will further inform time and staffing needs.

Given these uncertainties, the DOC estimates that preparation for a CQE hearing (research, identify, locate and retrieve needed material, set hearing dates, and notice the public meeting properly) will take the following staffing time:

- COMMISSIONER 2 hours/case
- CLERICAL STAFF 1 hours/case

Conducting the hearing will take the following staff time:

- COMMISSIONER .5 hours/case
- PAROLE CHAIR .5 hours/case
- CLERICAL STAFF .5 hours/case

Review results of hearing (review of decision; production of the certificate; transfer and noticing; administrative support to create and file) will take the following staff time:

- COMMISSIONER 1 hours/case
- PAROLE CHAIR 1 hours/case
- CLERICAL STAFF 1 hours/case

Total estimate of Parole Commission staff:

- COMMISSIONER 3.5 hours/case
- PAROLE CHAIR 1.5 hours/case
- CLERICAL STAFF 2.5 hours/case

The total estimated cost for the parole commission to review an estimated 557 CQE petitions per year is \$252,700 and 3.00 FTE (2.00 FTE Parole Commissioners and 1.00 FTE Office Operations Associate). Due to the declining number of inmates with indeterminate sentences, the parole commission, which is limited to 7 commissioners (and the chair) according to Wis. Stat. 15.145, may not require 3 additional positions; however, for purposes of this estimate the cost of all 3 positions has been included.

Summary

The total estimated cost for the DOC, including the Parole Commission, to implement CQE for an estimated 557 offenders annually in Wisconsin is \$853,400 annually and 12.00 FTE. This amount will be slightly offset by up to \$27,900 in estimated fees that the DOC will collect. The DCC will need \$600,700 annually and 9.00 FTE in order to work with the courts, prosecutors, and victims of the person, to determine whether to recommend that the parole commission issue a CQE to the person. The Parole Commission will need \$252,700 annually and 3.00 FTE in order to prepare, conduct the hearings, and review the results of the hearing. Furthermore, the bill states that an inmate is only eligible to apply for a CQE if a court at sentencing states that an inmate is eligible to apply in the future. Thus, the bill will only apply to new offenders, allowing funds and staffing to be phased in over a one or two year period.

Long-Range Fiscal Implications