

Fiscal Estimate Narratives

DHS 2/24/2017

LRB Number 17-1328/1	Introduction Number AB-0005 (JR7)	Estimate Type Original
Description prevention and control of, emergency and involuntary commitment for, and treatment programs and services for drug dependence		

Assumptions Used in Arriving at Fiscal Estimate

This bill extends to drug dependent users the same access to commitment and treatment options as individuals with alcoholism.

Under statute 51.20, a court may be petitioned to involuntarily commit an individual with drug dependency for treatment. The petition must demonstrate the individual is a danger to themselves or others by evincing a substantial probability of harm to themselves or others, through the individual's actions, words, or behavior. Individuals could also be committed if they instead demonstrate a pattern of recent acts or omissions which manifest as impaired judgment, or are unable to satisfy the basic needs for nourishment, shelter, medical care or safety without immediate medical treatment. These impairments must be explained in a written petition for examination. The court must review the petition and, if approved, set a preliminary hearing within 72 hours of the individual being detained as a result of the petition. Over the last five years, on average, 15 individuals annually have been involuntarily committed statewide by the courts for substance use, per the Wisconsin Court System.

Under current law, individuals with an alcohol dependency can be involuntarily committed to the county for treatment if approved by a circuit court. For alcoholics to be committed, three adults, one of whom has personal knowledge of the conduct and condition of the individual, may petition the court for involuntary commitment. The petition must 1) allege habitual lack of self-control of the use of alcohol beverages or other drugs to the extent that health is substantially impaired or endangered and social or economic functioning is substantially disrupted; 2) allege the person's condition is evidenced by a pattern of conduct which is dangerous to the person or others; 3) state that the person is a child or state facts sufficient for a determination of indigency; 4) be supported by the affidavit of each petitioner who has personal knowledge of the factual basis for the allegations; and 5) contain a statement of each petitioner who does not have personal knowledge for the basis of his or her belief. The court must set a preliminary hearing on the petition to determine whether there is probable cause to believe that the allegations in the petition are true and then, if probable cause is found, must set a full hearing on the involuntary commitment. The circuit court must set a preliminary hearing within 48 hours of receiving the petition.

This bill would allow individuals with a drug dependency to be committed under the same process through which individuals with alcoholism may be committed, and drug dependent individuals would no longer need to demonstrate they are dangerous to themselves or others to receive treatment services.

It is difficult to predict how many petitions for drug dependent individuals would be brought under these new provisions. It is also unknown the extent to which the new involuntary admission standards would be used in lieu of petitions brought under the current standards. In CY 2015, 15 individuals with a drug dependency were involuntarily committed under current statutes.

The bill provides additional duties to the Department to support drug dependent individuals. The Department can fulfill these obligations with current resources.

Long-Range Fiscal Implications