

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 19-4458/1	Introduction Number AB-0805
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Description
 recommendation to revoke parole, probation, and extended supervision if a person is charged with a crime

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
 - Yes
 - No
- Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
 - 1. Increase Costs
 - 2. Decrease Costs
- 3. Increase Revenue
- 4. Decrease Revenue
- 5. Types of Local Government Units Affected
 - Towns
 - Counties
 - School Districts
 - Village
 - Others
 - WTCS Districts
 - Cities

Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input checked="" type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.505(4)(kp)	

Agency/Prepared By	Authorized Signature	Date
DOA/ Josh Bachert (608) 261-2292	Colleen Holtan (608) 266-1359	2/6/2020

Fiscal Estimate Narratives

DOA 2/6/2020

LRB Number	19-4458/1	Introduction Number	AB-0805	Estimate Type	Original
Description recommendation to revoke parole, probation, and extended supervision if a person is charged with a crime					

Assumptions Used in Arriving at Fiscal Estimate

Assembly Bill 805 (AB 805) would require the Department of Corrections (Corrections) to recommend that a person's extended supervision, probation, or parole, be revoked if the person is charged with a crime.

Under current law, a person may be released from confinement in prison to the community on parole or under extended supervision. A person who is released to the community must comply with certain conditions relating to his or her behavior while in the community (conditions of parole or extended supervision). If Corrections alleges that the person violated the conditions of his/her supervision, unless waived by the person, a final administrative hearing must be held before a hearing examiner from the Department of Administration's (Department) Division of Hearings (DHA), who enters an order either revoking or not revoking parole/extended supervision (s. 304.06 (3), Wis. Stats.).

Under this bill, if the person is charged with a crime, Corrections is required to recommend that the person's probation, parole or extended supervision be revoked. If all cases of persons charged with a crime are recommended for revocation, it can be reasonably assumed that under present conditions, AB 805 would result in an increase in the number of hearings conducted by DHA.

DHA estimates that in calendar year 2018, of the cases received as recommended by Corrections for revocation, approximately 85% of these hearings resulted in a revocation. However, given that it is reasonable to assume that Corrections seeks revocations in all cases for which it believes such action is appropriate, and that certain determining factors are considered by Corrections when such an action is not taken, DHA's hearing examiner may presumably consider similar factors and reach the same determination of action. Therefore, the number of orders DHA would place for revocations may not increase proportionally from present levels with the anticipated increase in caseload.

Per the estimation provided by Corrections of approximately 6,300 annual revocation cases of persons charged with a crime not currently recommended by Corrections for revocation, the Department anticipates that existing DHA staffing levels would not be able to absorb the increase in the anticipated case volume (6,300 new Corrections cases would equate to approximately 23% of DHA's total current caseload).

The Department anticipates an unabsorbable increase in DHA Attorney time would be required on the examination and order determination for the additional Corrections cases that would be received for hearing by DHA. Based upon a similar proportionate increase to the number of DHA Attorneys as there would be to caseload, the Department estimates the need for an approximate additional 13.0 FTE attorneys. Using the average hourly wage of filled DHA Attorney positions, the 13.0 FTE would result in annual salary, fringe and personnel variable supplies and services costs estimated at \$142,271 per Attorney, for a total annualized cost and increase in expenditure authority required of \$1,849,517 PR under s. 20.505(4)(kp), Wis. Stats. One-time expenditures of \$3,000 per FTE, or \$39,000 in total, are also estimated to be required.

The Department charges Corrections a fee for the total costs to provision its hearing examiner services, as authorized under appropriation s. 227.43(3), Wis. Stats, and as collected under appropriation s. 20.505(4)(kp), Wis. Stats. Therefore, the estimated annual increase of the 13.0 FTE and \$1,849,517 PR would be charged to Corrections annually and the one-time increase of \$39,000 would be charged to corrections when incurred.

Long-Range Fiscal Implications