

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 19-5665/1	Introduction Number AB-0900
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Description
 applicability of 2017 Wisconsin Act 184 and placement of sexually violent persons on supervised release

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 Permissive Mandatory
 - 2. Decrease Costs Permissive Mandatory
 - 3. Increase Revenue Permissive Mandatory
 - 4. Decrease Revenue Permissive Mandatory
- 5. Types of Local Government Units Affected
 - Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEGS

Affected Ch. 20 Appropriations

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Fiscal Estimate Narratives

DOC 3/2/2020

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Description applicability of 2017 Wisconsin Act 184 and placement of sexually violent persons on supervised release					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who has been found to be a sexually violent person may be involuntarily committed to the Department of Health Services (DHS) for control, care, and treatment. If a person is committed and placed in institutional care, the person may periodically petition the court for supervised release. If a court determines that supervised release is appropriate, the court must order the person's county of residence to prepare a report that identifies an appropriate residence for the person. Under current law, the county may not identify a residence that is within 1,500 feet of a school, child care facility, place of worship, park, youth center, or, depending on the offense the person committed, other specified places. This bill allows the county to identify a residence that does not comply with the 1,500-foot radius requirements if the county demonstrates that it made a reasonable effort to identify a residential option that complied with the requirements and the residential option in the report complies with all other requirements, is in the interest of public safety, and works in the best interest of citizens with regard to community safety.

Under current law, the county submits the report to DHS, and DHS uses the report to prepare a supervised release plan. Under this bill, if DHS includes in its plan a residential option that is not the one identified by the county in the report, the county may appeal to the Department of Justice (DOJ) to review the plan. Under the bill, DOJ has 30 days to review the plan. If DOJ rejects the county's appeal, DHS is responsible for identifying a residential option for the person.

2017 Wisconsin Act 184 modified the procedure for determining the placement of a sexually violent person on supervised release. One change eliminated the ability of the court to choose a county other than the person's county of residence to prepare a report identifying appropriate residential options for the person. Prior law had allowed the court, with good cause, to choose another county. The effect of this change was that the person could not be placed in a county that was not his or her county of residence. The changes made in 2017 Wisconsin Act 184 applied to any petition for supervised release pending as of March 30, 2018. This bill clarifies that a petition for supervised release was pending if the person had not been physically placed in a residence on supervised release.

This bill also requires DHS to identify any person who was placed on supervised release in a residence outside his or her county of residence on or after March 30, 2018. If DHS identifies any such person, DHS must notify the court, and the court must order the person's county of residence to prepare a new report.

As of February 18, 2020, there are 63 individuals on supervised release in the community under Chapter 980. There are 17 individuals on supervised release in the community that would be required to have a residence assessment report re-completed because they were placed on supervised release in a residence outside his/her county of residence on or after March 30, 2018. This would require the Department of Corrections to participate in completing the residence assessment report for those 17 individuals. The workload generated by this bill would be spread out among staff across the state and can be absorbed with the Department's current resources. The bill has no fiscal impact.

The Department has no information to estimate the fiscal effect on local government.

Long-Range Fiscal Implications