

### Fiscal Estimate - 2019 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>19-5479/1</b>	<b>Introduction Number</b> <b>SB-752</b>	
<b>Description</b> recommendation to revoke parole, probation, and extended supervision if a person is charged with a crime		
<b>Fiscal Effect</b>		
<b>State:</b> <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input checked="" type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs		
<b>Local:</b> <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs      4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
<b>Fund Sources Affected</b> <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
<b>Affected Ch. 20 Appropriations</b> 20.410(1)(a), 20.410(1)(b), 20.410(1)(f), 20.410(1)(aa)		
<b>Agency/Prepared By</b> DOC/ Emily Lindsey (608) 240-5413	<b>Authorized Signature</b> Paulina De Haan (608) 240-5056	<b>Date</b> 2/10/2020

**Fiscal Estimate Narratives**  
**DOC 2/10/2020**

LRB Number <b>19-5479/1</b>	Introduction Number <b>SB-752</b>	Estimate Type <b>Original</b>
<b>Description</b> recommendation to revoke parole, probation, and extended supervision if a person is charged with a crime		

**Assumptions Used in Arriving at Fiscal Estimate**

This bill requires the Department of Corrections to recommend revoking a person's extended supervision, parole, or probation if the person is charged with a crime while on extended supervision, parole, or probation.

Under current law, the Department of Corrections (DOC) utilizes Department Policy, evidence-based practices, Department Administrative Code, and statutory requirements to determine whether or not to revoke a person's extended supervision, parole, or probation if the person is charged with a crime while on extended supervision, parole, or probation.

2013 Act 196 provided the DOC with the authority to develop a system of short-term sanctions for violations of conditions of parole, probation, extended supervision (ES), and deferred prosecution agreements. These sanctions can result in offenders being placed in a regional detention facility or a county jail for up to 90 days. Under this proposed bill, the system of short-term sanctions established by 2013 Act 196 would not be an option for offenders charged with a crime while on extended supervision, parole, or probation.

In CY18, the DOC recommended the revocation for 9,961 cases of individuals on extended supervision, parole, or probation. The Department of Administration's Division of Hearings and Appeals (DOA DHA) reviews and determines the outcome of revocations recommended by the DOC. It is estimated that DOA DHA would see an increase of 6,280 revocation cases each year. DOA DHA charges DOC approximately \$284 to review and provide a disposition for each revocation case. Under this bill, it is estimated that increased revocation recommendations would result in increased DOA DHA charges to DOC in the amount of \$1,786,594 annually.

In CY18, Approximately 87% of the cases recommended for revocation by DOC were revoked by DOA DHA, resulting in the offender being sent to prison. In FY16, on average, individuals on community supervision with a new conviction were revoked to prison for approximately 39 months of incarceration. It is unknown if these patterns of revocation rates and sentencing will continue under the proposed legislation. It is possible that both will decrease due to the DOC being required to recommend revocation for the charge of any crime, instead of the current process that utilizes several factors to determine if recommending revocation is an appropriate response to the offender's behavior.

For purposes of this fiscal estimate, the Department assumes that approximately 47% of the cases recommended for revocation by DOC will be revoked by DOA DHA, resulting in the offender being sent to prison. In addition, the Department assumes revocation sentences will be 19 months.

The Department requested data from Wisconsin Court System Circuit Court Access (CCAP) to determine the number of offenders under community supervision during FY19 and were charged with a crime. Using that data, the Department estimates 6,280 offenders on community supervision were charged with a new crime and remained on community supervision. Under this bill, DOC would be required to recommend revoking the community supervision of all 6,280 individuals. The Department assumes 47% of revocations recommended by DOC will be affirmed by the Administrative Law Judge (ALJ). The Department estimates this bill will result in an average increased daily population of 1,599 in the Department's Division of Adult Institutions (DAI) during the first year. When the population is annualized after 19 months, there will be a permanent increase of 4,673 inmates to DAI's population.

The DOC is struggling to find space for the current inmate population as it is currently 133% over its budgeted capacity for its facilities. If the Department constructed new facilities to accommodate the increased populations, Oshkosh Correctional Institution which housed an average daily population of 2,051 inmates in FY19, could be

used as the model for these new facilities. The Department would need to construct two new Oshkosh Correctional Institution-sized facilities to accommodate the number of inmates that would enter the system in the second year after enactment of this legislation.

The average FY19 annual cost for an inmate in a DOC institution is approximately \$33,100. The annual cost of using a county contract bed would be approximately \$18,800 annually per person. DOC DAI facilities are at capacity and the Department is utilizing contract bed space in county jails. As of January 31, 2020, 498 county contract beds are being utilized to house DOC inmates. The Department is budgeted for 597 county contract beds for FY20.

The estimated population change will ultimately depend upon: 1) the number of offenders being charged with a crime, 2) the rate at which the ALJs affirm the revocation recommendations, and 3) the length of reincarceration time imposed upon the offenders.

#### **SUMMARY:**

It is estimated that this bill would result in increased operations costs (excluding possible construction costs) to the Department of Corrections in the amount of \$54,706,300 during the first year of enactment. The Department estimates there will be a permanent increased operations cost of approximately \$156,475,000 after the population is annualized during the second year of enactment.

#### **Long-Range Fiscal Implications**