

ORIGINAL

UPDATED

LRB # -3694/1

CORRECTED

SUPPLEMENTAL

INTRODUCTION # SB 388

Admin. Rule #

Subject

Sexually Violent Commitment Proceedings

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No See Narrative.

Increase Existing Appropriation

Increase Existing Revenues

Decrease Existing Appropriation

Decrease Existing Revenues

Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs

Permissive Mandatory

3. Increase Revenues

Permissive Mandatory

5. Types of Local Governmental Units Affected:

Towns Villages Cities

2. Decrease Costs

Permissive Mandatory

4. Decrease Revenues

Permissive Mandatory

Counties Others _____

School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate:

Currently, an individual is involuntarily committed as a sexually violent person (SVP) when an agency that has custody of the individual determines as a result of an evaluation that the person meets the criteria for a sexually violent person commitment and files a petition to that effect before the individual is released from confinement. A petition alleging that the person is a sexually violent person must then be filed either by DOJ or by a district attorney who has received notice of the person's release date.

Under this bill, if an agency determines through its evaluation that the person in question does not meet the criteria for a sexually violent person, DOJ can then decide whether to file a petition regardless of the agency's evaluation. If DOJ decides against filing a petition, district attorneys would be allowed to file a petition for commitment themselves. It is assumed that, under the provisions of this bill, district attorneys will pursue commitments of individuals as sexually violent persons that DOJ has not pursued. As a result, there will be more SVP commitments under this bill.

It is not possible to estimate the number of individuals whom DAs will decide to prosecute and who will then be committed. However, if more than 25 individuals are committed, the Department will need to increase the number of beds available to SVPs at its treatment center. In addition, individuals committed under this legislation would not meet the standards currently in place for commitment and would not fit into treatment programs that the Department now has in place. New treatment programs would have to be designed for these individuals. It is not possible to estimate the costs of this bill on the Department because it is not known how many additional individuals will be committed and treated as SVPs under this bill.

Long-Range Fiscal Implications:

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Date *3-1*
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