

LRB or Bill No./Adm. Rule No.
LRB 99-4105/1
SB 404

Amendment No. if Applicable

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R10/96)

Subject
Sexually violent person 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 Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

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

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

s. 20.550 (1)(a), (b), (c), (d)

Assumptions Used in Arriving at Fiscal Estimate

This bill makes several changes to chapter 980. Some of the changes are likely to result in an increase in the number of ch. 980 petitions that are filed, thus resulting in costs to the State Public Defender's Office (SPD). Specifically, the bill adds several offenses that may serve as the basis for a ch. 980 petition. These offenses include sexual exploitation by a therapist, third degree sexual assault, certain prior crimes that are comparable to the current list of sexually violent offenses and certain escapes. The bill also makes the following crimes eligible for a ch. 980 petition if they are sexually motivated: felony murder, administering certain drugs with the intent to facilitate the commission of a crime, soliciting a child to participate in gang activity, arson, robbery, and physical abuse of a child. The SPD cannot at this time estimate the number of additional ch. 980 petitions that may be filed by adding the above offenses to the list of sexually violent offenses. However, the agency can estimate its costs to increase by approximately \$8800 per additional ch. 980 case (assumes \$6400 attorney time at the \$40 per hour private bar rate and \$2400 expert costs).

The bill also specifies that the rules of evidence would not apply in hearings related to supervised release or discharge. It's possible that this change in the bill would result in longer, more cumbersome hearings as well as increased appellate litigation (especially in discharge hearings because those hearings may be before a jury). Also, eliminating the criminal rules of evidence in ch. 980 trials may result in longer trials and increased appellate litigation.

The bill also specifies that the SPD must pay for photocopies of discovery in ch. 980 cases from its program administration appropriation. Presently, the agency is not routinely charged for photocopy costs in ch. 980 cases. If, as a result of this bill, the agency is charged for photocopies of discovery in ch. 980 cases, the agency may need additional funds for photocopy costs.

Long-Range Fiscal Implications

Indeterminate at this time. Agency will carefully monitor fiscal effect of bill, if enacted, for future budget considerations.

Agency/Prepared by: (Name & Phone No.)
SPD/Gina Pruski/6-6782

Authorized Signature/Telephone No.

Gina Pruski

Date
March 6, 2000