

Fiscal Estimate - 2001 Session

Original Updated Corrected Supplemental

LRB Number 01-3550/1		Introduction Number AB-569	
Subject Plea and verdict of guilty but mentally ill in certain criminal cases			
Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
<input type="checkbox"/> Yes <input type="checkbox"/> No			
<input type="checkbox"/> Decrease Costs			
Local:			
<input type="checkbox"/> No Local Government Costs			
<input checked="" 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"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
<input type="checkbox"/> Cities			
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
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		Date 10/23/01	

Fiscal Estimate Narratives

DOC 10/23/01

LRB Number 01-3550/1	Introduction Number AB-569	Estimate Type Original
Subject		
Plea and verdict of guilty but mentally ill in certain criminal cases		

Assumptions Used in Arriving at Fiscal Estimate

This bill creates a plea and verdict of guilty but mentally ill (GBMI) for persons charged with a certain homicide offense. Under current law the following pleas and verdicts are available:

- * guilty
- * not guilty
- * no contest
- * not guilty by reason of mental disease or defect, and
- * alford in which the defendant accepts sentencing as if guilty, but admits no guilt

AB-569 mirrors similar legislation in Illinois and Michigan. The legislation proposed in Wisconsin allows for a plea and verdict of guilty but mentally ill in certain cases of homicide whereas in Illinois and Michigan all felony crimes are considered under their GBMI statute.

Michigan's adult institution population is approximately 47,317 (June 2000). In 1997, Michigan estimated that 1% of their prison population was incarcerated under a GBMI finding ($47,317 * 1\% = 473$ offenders). Michigan further projected that 30% of GBMI offenders possessed homicide governing offenses ($473 * 30\% = 142$ offenders).

The Illinois adult institution population is approximately 44,819 (June 2000). In 1997 Illinois estimated that 1/2% of their prison population was incarcerated under a GBMI finding ($44,819 * 1/2\% = 224$ offenders). Illinois further projected that 60% of GBMI offenders possessed homicide governing offenses ($224 * 60\% = 134$ offenders).

Wisconsin's resident adult correctional institution population is approximately 20,797 (June 2000). Using Michigan's formula, Wisconsin could expect 62 offenders to be incarcerated under the proposed legislation ($(20,797 * 1\%) * 30\% = 62$ offenders). Likewise, employing Illinois' method would also result in Wisconsin having 62 GBMI offenders imprisoned under AB-569 ($(20,797 * 1/2\%) * 60\% = 62$ offenders). It is expected that the majority of these offenders would have been incarcerated under traditional pleas and verdicts for specific homicide violations. A small percentage may also reflect individuals who would have previously been adjudicated as not guilty by reason of mental disease or defect.

As an alternative to the plea and verdict of not guilty by reason of mental disease or defect, GBMI creates an opportunity for the courts to hold an individual responsible for their criminal actions, while recognizing the offender's mental illness. The bill requires the court to order the Department of Corrections (DOC) to evaluate the person for treatment and provide them the necessary care for their illness. AB-569 applies to all individuals sentenced regardless of whether the offender is incarcerated or placed on probation.

This bill does not define the type of "evaluation" or level of "appropriate treatment" required. Currently, all Wisconsin inmates are evaluated when they enter the correctional system and receive mental health treatment on a triage basis as funding permits. AB-569 creates an entirely new classification of offender, one with recognized special mental health needs, whose treatment may be specifically ordered by the court. If this bill increases the number of individuals sentenced to DOC custody who require special mental health care or expands the treatment required the impact on the Department will be increased costs. However, these costs cannot be determined as the number of individuals incarcerated under this bill and the level of treatment required are unknown.

Local costs associated with this bill are also impossible for DOC to determine at this time.

Long-Range Fiscal Implications