

Fiscal Estimate - 2003 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 03-3351/1	Introduction Number SB-441
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Subject
 Criteria for supervised release for a sex predator

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input 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 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
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Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <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
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

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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Fiscal Estimate Narratives

DHFS 3/1/2004

LRB Number	03-3351/1	Introduction Number	SB-441	Estimate Type	Original
Subject					
Criteria for supervised release for a sex predator					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, DHFS has responsibility for the treatment of individuals who have been considered to be Sexually Violent Persons (SVPs) under ch. 980. A sexually violent person is defined as one who has been convicted of a sexually violent offense or who has been found not guilty of a sexually violent offense by reason of mental disease, defect, or illness; and who is dangerous because he or she suffers from a mental disorder that makes it substantially probable that he will engage in acts of sexual violence. Under this bill, the second part of the definition would be changed so that a person is found to be a SVP if they suffer from a mental disorder that makes it more likely than not that he will engage in acts of sexual violence. If a person is found to be a sexually violent person, he is then committed to the DHFS and placed in institutional care. After 18 months, a SVP may petition the court for supervised release. If the person petitions the court for supervised release, the court must authorize supervised release unless the state proves that it is still substantially probable that the person will engage in future acts of sexual violence if institutionalized care is not continued. Under this bill, if a person petitions the court for supervised release, the court must authorize supervised release unless the state proves that it still is more likely than not that the person will engage in future acts of sexual violence if institutionalized care is not continued or that the person has not shown significant progress in, or has refused to participate in, treatment.

Sand Ridge Secure Treatment Center (SRSTC) is a secure treatment facility that provides specialized treatment services for persons committed under Wisconsin's sexually violent persons law. Currently, there are 213 SVPs in the treatment program at SRSTC and 57 SVPs at Wisconsin Resource Center. It is not possible to project the annual increased number of referrals from DOC to DOJ for commitment under the bill's criteria. Similarly, it is not possible to project the additional number of court-ordered commitments under the proposed criteria. DHFS spends on average \$114,400 per SVP annually at SRSTC. The bill will increase costs by \$114,400 per year for each additional person committed to SRSTC due to the new criteria.

The bill changes the criteria for granting Supervised Release. It seems likely under the new criteria that there will be a longer average time period between the date of commitment and the time of supervised release per SVP. It is difficult to predict how much longer this time period will be. As noted above, the annual cost in SRSTC is \$114,400 per person. The average annual cost of an individual in Supervised Release is \$60,360. Therefore, there is a net cost of \$54,040 per person per year for delayed entry into the Supervised Release program.

The bill changes the definition of SVP--indicating that the person is a SVP if he is more likely than not to reoffend sexually (as opposed to substantially probable to reoffend). Under this definition, it seems likely that those committed under Chapter 980 may not be entitled to discharge from commitment as soon as they might be under current law. It is, however, difficult to calculate how long each SVP commitment might be extended due to this change. Any increased length in commitment (with placement either at SRSTC or in the community) increases costs to the state.

For the reasons stated above, the total costs of the bill are indeterminate.

Long-Range Fiscal Implications

Under this bill, the long-term effect of the increase in the SVP population would necessitate opening existing units and possibly building new units, as well as, additional new staff.