

### Fiscal Estimate - 2003 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>03-4094/3</b>	<b>Introduction Number</b> <b>AB-861</b>
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**Subject**  
 Supervised release of sex predators

**Fiscal Effect**

**State:**

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

**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	5. Types of Local Government Units Affected	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue		<input type="checkbox"/> Counties <input type="checkbox"/> Others
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts

<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</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 s.20.435(2)(bm) and (2)(bj)	

<b>Agency/Prepared By</b> DHFS/ Jennifer France (608) 267-5147	<b>Authorized Signature</b> Freda Ellen Bove (608) 266-2907	<b>Date</b> 2/25/2004
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## Fiscal Estimate Narratives

DHFS 2/25/2004

LRB Number	03-4094/3	Introduction Number	AB-861	Estimate Type	Original
<b>Subject</b>					
Supervised release of sex predators					

### 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 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 he suffers 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 an 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.

The Supervised Release program provides treatment to SVPs who have been released by the court under the supervision of the Department. If the court orders a SVP placed on supervised release, DHFS is required to find a placement in the community, usually in the county in which the person lived at the time of the sexually violent offense. DHFS and the county in which the person is to be placed must then prepare a plan for treating and monitoring the person upon release. In developing the plan, DHFS must consider the proximity of the proposed residence to the homes of certain other sex offenders. Within 60 days after the court's determination that supervised release is appropriate, DHFS and the county must submit the supervised release plan to the court for its approval.

Under this bill, when selecting a residence for a person who will be placed on supervised release, DHFS

and the county must consider the proximity of the residence to certain types of facilities for children including schools, day care providers, group homes, foster homes, and youth centers. DHFS and the county must provide a list and map of such facilities, along with the address of the proposed residence, to the local common councils and village or town boards. DHFS and the county must consider any comments from the municipalities regarding the proposed placement before finalizing the supervised release plan. In addition to submitting the map, list, and any comments to the court, DHFS and the county must also submit these to the chief elected official, the police chief, and the sheriff for the community in which the proposed placement is located. This bill also requires that when the court receives the supervised release plan, it must hold a hearing to determine whether to approve the plan as submitted or whether to order DHFS and the county to modify the plan. The court must notify the chief elected official, the police chief, and the sheriff for the community of the hearing at least five days beforehand.

Currently, upon receipt of a court's order, SRSTC submits a referral to a contracted agency to request a residence search, as well as other contracted services. The average contracted cost for residence search currently is approximately \$1,500 GPR per supervised release case. Under this bill, it is likely the amount of time spent on securing a residence for a patient in the community would increase from five months to 15 months. The average contracted cost per supervised release case would increase to \$4,500 GPR, resulting in an increase cost of \$3,000 per SVP placement.

As a result of the longer placement period, SRSTC's institutional costs will increase because those who would be in the community will remain at SRSTC for at least an additional 10 months. As noted above, delayed entry into the supervised release program has a net cost per person of \$54,040 per year, which implies a net cost of \$45,033 for ten months. Therefore, each SVP placement would result in an increased cost of \$45,033 due to the delay in placement.

In addition, residence search involves extensive staff time from SRSTC and the Department. Under the process specified in the bill, increased full time staff would be needed to provide the services. DHFS currently employs 2.0 FTE Social Services Specialists and 1.0 FTE Program Assistant 2 that work at SRSTC with the supervised release program. It is estimated that an additional 2.0 FTE Social Services Specialist 2s, 1.0 FTE Program Assistant 2, and 1.0 Geographic Information Systems Analyst, at a cost of \$201,200 GPR annually, would be needed to perform the increased services.

The language in this bill also states that the person providing the housing must provide a level of security required by the court. Few landlords would be willing to rent to DHFS if they also had to provide a level of security. It is difficult to estimate a fiscal impact on renting versus buying a residence for a SVP.

Most municipalities do not have the technology to provide the needed data to help DHFS create the "list and map" required by this bill. This data collection would need to be done by DHFS staff contacting numerous municipalities and surveying the area in person. Further, in order to present information to the affected municipalities throughout the state, it would be necessary for Department staff to provide technical assistance, informational presentations, and follow up with those municipalities for comments by meeting with the public officials in person. The annual travel expenses of the supervised release specialists would increase from \$9,000 GPR to \$30,000 GPR. It would also be necessary for SRSTC to acquire and maintain the needed supplies and services which would include but may not be limited to a specialized printer for large maps, ink, paper, maintenance, and associated software licenses for a cost of \$12,800 GPR.

This bill also requires that the Department submit a report each February 1 to the chief clerk of each house of the legislature, for distribution to the appropriate committees, regarding the effectiveness of its efforts to find and maintain appropriate placement for persons on supervised release. The report must also include the Department's anticipated need for finding additional placements in the 5 years following the date of the report. The cost of this report can be absorbed within existing resources.

The total costs under this bill are indeterminate for the reasons stated above.

### **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.