

Fiscal Estimate Narratives

DHFS 2/21/2006

LRB Number	05-4171/4	Introduction Number	SB-537	Estimate Type	Original
Description Placement of persons on supervised release					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who commits a sexually violent offense may be committed to the Department of Health and Family Services (DHFS) after serving a sentence or disposition for the offense if a court finds that the person is a sexually violent person. Current law defines a "sexually violent person" as a person: 1) who has been convicted of, or adjudicated delinquent for, 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 2) who is dangerous because he or she suffers from a mental disorder that makes it more likely than not that he or she will engage in acts of sexual violence.

A person committed to DHFS as a sexually violent person is initially placed in institutional care. After 18 months, a sexually violent person may petition the court for supervised release (SR), which allows the person to reside in the community subject to the conditions set by the court and to the rules of DHFS. If a person petitions the court for supervised release, the court must grant the petition unless the state proves that the person is still a sexually violent person or the person has not demonstrated significant progress in his or her treatment or has refused treatment.

If a court determines that supervised release is appropriate, DHFS must make its best effort to place the person in the county in which the person lived at the time of the sexually violent offense (county of residence). Under this bill, if the person is placed in his or her county of residence, and the county of residence contains a 1st class city, DHFS must place the person in the city, town, or village in which he or she lived at the time of the sexually violent offense.

If the proposed change was approved, the process DHFS uses for placements in Milwaukee County would need to be revised. The proposed change would reduce potential options that may exist for such placements and may make it more difficult to develop and make placements. It is possible that individuals from Milwaukee County who are granted SR may spend longer periods of time in the institution while the residence search proceeds. As a result, the bill may increase populations, and therefore costs, at DHFS institutions. However, it is not possible to project these costs based on the information available.

Long-Range Fiscal Implications