



## Fiscal Estimate Narratives

DOC 9/12/2007

LRB Number	07-2293/2	Introduction Number	AB-0332	Estimate Type	Original
<b>Description</b> Disclosure of information regarding sexually violent persons, creating a definition of high-risk sex offender, child safety zones, sex offender registry requirements, the sex offender registry Web site, and disclosure of sex offender registry and global positioning system tracking information to postsecondary educational institutions					

### Assumptions Used in Arriving at Fiscal Estimate

This bill allows the release of information to law enforcement of certain sex offender information; requires the Department to create child safety zones where the Department and courts can prohibit certain sex offenders from entering; expands information sex offenders are required to provide to the Department; allows the release of certain sex offender information to postsecondary schools; creates a definition of 'high-risk sex offender;' and increases the information and frequency of information offenders are required to report to the Department's Sex Offender Registry [SOR].

#### Release of Specified Sex Offender Information to Law Enforcement

Under current law, treatment records of an individual admitted under ch. 971 or 975 or transferred under ch. 51.35(3) or 51.37 may be released to law enforcement officials without informed written consent under certain specified circumstances [Mental Health Act]. Sexually violent persons [SVPs or Ch. 980 offenders] are specifically excluded from release of treatment information in current law.

This bill expands the release of information to include individuals committed or detained under Ch. 971, 975 or 980, thus permitting a law enforcement officer to obtain the information set forth in Ch. 980 commitments, including the whereabouts during any time period [including global positioning system tracking—GPS data]. The bill also deletes the requirement that DHFS must provide the data only "upon request".

The Department of Corrections [DOC] supervises those sex offenders on conditional [Ch. 971] and supervised [Ch. 980] release. This bill would expand the number of offenders whose GPS or treatment records will be available to law enforcement. It is assumed that any additional workload or costs associated with this change could be absorbed by the Department.

#### In Person Sex Offender Registration Requirements & Photographs

Under current law, a person must register annually with the SOR as a sex offender if he or she has been convicted of certain sex offenses, found not guilty of certain sex offenses by reason of mental disease or defect, or adjudicated delinquent on the basis of certain sex offenses. Ch. 980 offenders are required to register every 90 days. During registration, the offender must provide the DOC with certain information, including the offender's current address, the name and location of the offender's employer and the name and location of any school in which he or she is enrolled.

This bill expands the data required to include the email address of the offender and the website address of any websites maintained by the offender. This bill also requires all sex offenders, including those residing out of state, to register in person every six months, except Ch. 980 offenders must continue to register every 90 days; reporting in person once every six months.

Currently, there are approximately 19,500 sex offenders required to register with SOR and most of these offenders register by mail. Approximately 5,700 of these offenders are incarcerated in prison [5,500] or a juvenile care facility [216]. All facilities have digital camera equipment. Current policy for incarcerated adult offenders is to update an offender's photograph, at a minimum, every three years. Juvenile policy is to update an offender's photograph annually. Thus, the Department would increase incarcerated adult photo sessions from approximately 1,800 [5,500 divided by 3 years] to 11,000 sessions [5,500 \* 2 annually] and increase juvenile sessions from 216 annually to 432 [216 \* 2 annually].

Assuming 15 minutes per incarcerated offender photo session, the Department would require the equivalent of 1.0 Offender Records Assistant 2 FTE across all correctional facilities to take and process the adult

offender photos [11,000 sessions minus 1,800 current sessions divided by 4 sessions per hour]. The added workload of this requirement could be absorbed by the Department.

Those adult and juvenile offenders being supervised by the Department in local communities are already reporting in person more frequently than photos are to be updated. Most local offices have digital cameras and any additional workload can be absorbed.

Finally, there are currently approximately 7,400 adult sex offenders and 1,300 juvenile sex offenders who are no longer under the Department's supervision that will be required to re-register and have the Department take their photo every six months. The Department does not regularly meet with these offenders. Thus, it will be necessary to schedule face-to-face registration and photo sessions 17,400 times annually. Assuming a half-hour per offender twice annually [8,700 hours], the Department would require 5.50 FTE Corrections Program Specialist – Objectives [Sex Offender Registry Specialists] to meet this photo requirement. Total costs are \$418,900 annually plus \$41,900 one-time start up costs.

The Department is required to notify the offender or if the person is under age 18, the offender's parent, guardian, or legal custodian of the offender's requirement to comply with the updated registration change. The costs associated with an additional mailing to 19,500 offenders totals approximately \$8,000 per year.

### Child Safety Zones

This bill requires the Department to create 'child safety zones' prohibiting an offender on probation, parole, extended supervision or on conditional release or parole under Ch. 975, for a violation of first-degree or second-degree sexual assault of a child [s. 948.02] or engaging in repeated acts of sexual assault of the same child [s. 948.025] from entering the child safety zones as a condition of supervision. This bill also requires the Department of Health & Family Services to impose rules prohibiting conditional release offenders from entering a child safety zone and requires courts to create child safety zones and impose rules on probationers.

Of the sex offenders discussed above, 598 offenders were released to the community in CY2006 and another 302 were placed on probation [900 total]. It could be assumed that approximately 900 additional offenders per year would be prohibited from entering child safety zones as a condition of supervision. This bill formalizes current practice in the Department whereby sex offenders under the Department's supervision [probation, parole, or conditional or supervised release] are monitored and prohibited from entering certain areas. The Department will continue to provide base staff and funding resources for this purpose.

### Information Provided to Director of Security of Postsecondary School

Under current law, when a person is registered as a sex offender with DOC, the Department must make specified information immediately available to the police chief of any community and the sheriff of any county in which the offender is residing, employed or attending school and with special bulletin notices relating to certain sex offenders.

This bill requires the Department to make this available to the security director of any postsecondary educational institution in which the offender is residing, employed or attending school, unless the offender is a juvenile adjudicated for a sex offense or is a juvenile registered as a sex offender. Postsecondary educational institution is defined as a public or private college or university, or a vocational or technical institution or school.

This bill also requires the Department to provide the security director with GPS data for certain sex offenders, upon request. The Department is to determine the data and the manner in which it is to be provided.

Currently, all Wisconsin law enforcement agencies have access to the Department's SOR and Special Bulletin Notification (SBN) notices, including certified agents such as the U.W. Campus Police Department. Security Directors need not be certified as law enforcement professionals—and thus, unless they are certified, do not currently have access to SOR data beyond that data available to the general public. Additionally, the Department's method of verifying that the Department release data only to those legally entitled to it is to verify the law enforcement certification through the Department of Justice.

This bill directs the Department to make available data less than that available to law enforcement [excludes juvenile offender information if the offender was not tried and convicted as an adult] and more than the general public may view, receiving SBN notices and GPS alerts. The cost of creating an alternative method of access [without law enforcement certification verification] would include one-time costs of \$78,200.

The Department would also require a 0.25 FTE Office Operations Associate to provide the verification of access rights at a cost of \$13,600 annually, and \$1,000 one-time costs for startup during the first year.

#### Information on DOC Internet Sites

This bill expands the list of required information on the Department's SOR website available to the public to include a full body photograph of the offender, two or more current color photographs, a description of any scars, marks or tattoos on the offender's body, and if the offender is a sexually violent person or registered as a 'high risk sex offender', the geographic area of any current employer of the offender or any business the offender is operating and the geographic area of any school the person is attending. In addition, the Department is to provide links to information on the prevention and identification of sexual abuse and other sex crimes and information on how to report suspected sexual abuse or other sex crimes.

This bill creates a definition of 'high-risk sex offender' that includes those required to register with the DOC's Sex Offender Registry for a sex offense, as defined in s. 301.45(1d)(b) or for a violation of a federal law or the law of another state that is comparable to such a sex offense, under certain circumstances.

During CY2006 there were 1,843 offenders who were required to register with the SOR who were admitted to prison, paroled or placed on probation for a serious sex offense or a serious child sex offense. Also during CY2006, 4,589 offenders with at least one non-sexual serious felony as defined in s. 939.62(2m)(a)1m were admitted to prison, paroled or directly discharged or placed on probation, some of whose crimes may have been found to be sexually motivated by a court. It should be noted that the Department is unable to determine how many of the offenders convicted of a serious felony other than a sex crime [kidnapping, for example] were found by the court to be sexually motivated.

It could be assumed that at least 1,843 additional offenders per year would be defined as high risk sex offenders. The Department will be required to include the geographic area of any current employer of the offender or any business the offender is operating and the geographic area of any school the person is attending on the internet site.

The Department estimates the one-time costs to make the web site changes at \$54,400, with ongoing costs for data storage totaling approximately \$3,700, annually.

#### Summary--State Costs

In summary, the Department would require an additional 5.75 GPR FTE [5.50 FTE Sex Offender Registry Specialists, and 0.25 Office Operations Associate], \$444,200 GPR annually, and \$175,500 GPR in one-time startup costs.

#### Local Costs--

The Department is unable to predict the number of offenders who may enter prohibited child safety zones or who will be charged with failing to register in person with the Department SOR who would subsequently be placed in local jails for the crime.

#### **Long-Range Fiscal Implications**

## Fiscal Estimate Worksheet - 2007 Session

Detailed Estimate of Annual Fiscal Effect

Original     
  Updated     
  Corrected     
  Supplemental

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<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>  One time costs for FTEs: \$42,900 One time costs for IT: \$132,600			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes	\$432,500		\$
(FTE Position Changes)	(5.8 FTE)		
State Operations - Other Costs	11,700		
Local Assistance			
Aids to Individuals or Organizations			
<b>TOTAL State Costs by Category</b>	<b>\$444,200</b>		<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
GPR	444,200		
FED			
PRO/PRS			
SEG/SEG-S			
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)</b>			
	Increased Rev		Decreased Rev
GPR Taxes	\$		\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
<b>TOTAL State Revenues</b>	<b>\$</b>		<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
	State		Local
NET CHANGE IN COSTS	\$444,200		\$
NET CHANGE IN REVENUE	\$		\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
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