

## Fiscal Estimate - 2009 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>09-3790/4</b>	<b>Introduction Number</b> <b>AB-0759</b>
<b>Description</b> conditions of release to extended supervision, parole, conditional release, and supervised release, and conditions of probation, for sex offenders who committed certain crimes against children; prohibited areas for sex offenders who committed certain crimes against children; prohibiting a political subdivision from regulating the placement or residency of sex offenders; and providing a penalty.	
<b>Fiscal Effect</b>	
<b>State:</b>	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> 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
<b>Local:</b>	
<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input checked="" type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease 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 checked="" type="checkbox"/> Others      Jails <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
<b>Affected Ch. 20 Appropriations</b>	
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>
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<b>Date</b>	
3/10/2010	

**Fiscal Estimate Narratives**  
**DOC 3/10/2010**

LRB Number <b>09-3790/4</b>	Introduction Number <b>AB-0759</b>	Estimate Type <b>Original</b>
<b>Description</b> conditions of release to extended supervision, parole, conditional release, and supervised release, and conditions of probation, for sex offenders who committed certain crimes against children; prohibited areas for sex offenders who committed certain crimes against children; prohibiting a political subdivision from regulating the placement or residency of sex offenders; and providing a penalty.		

**Assumptions Used in Arriving at Fiscal Estimate**

Current law requires the Department to maintain active lifetime global positioning system [GPS] tracking of certain serious sex offenders. The Department is also required to create inclusion and exclusion zones specific to these offenders, monitor GPS and alert law enforcement if the offender violates inclusion or exclusion zones.

New Penalty for violating exclusion zones: This bill provides a penalty [Class I felony] for a violation of exclusion zones by a person on supervised release under chapter 980 or a level one sex offender. This bill also provides exceptions to those violations for voting, travel routes, prior approval or dropping off or picking up the offender's relative at school or a child care facility. A Class I felony is punishable by confinement time up to 18 months and extended supervision up to two years. The Department can not predict the number of persons who will be convicted of this Class I felony or the sentence imposed.

The average FY09 annual cost for an inmate in a DOC institution is approximately \$31,800. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$4,900, based on FY09 costs. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at a rate of \$18,800 annually per person.

Prohibition of sex offender housing ordinances and resolutions: This bill also prohibits a political subdivision [a city, village, town or county] from enacting or enforcing an ordinance or resolution that prohibits the placement or residency of, or areas that may not be entered or exited by, a registered sex offender.

Currently there are approximately 4,800 adult sex offenders being supervised by DOC in local communities. At any time, those offenders may seek to change housing, lose their housing, or in the case of those being newly released from prison, not have any housing arrangements. Ordinances and resolutions prohibiting sex offender's residency further complicates placement. Locating appropriate housing has become increasingly difficult and time-consuming for DOC's Probation & Parole Agents and Sex Offender Registry Specialists. In order to ameliorate the increased workload for staff, the DOC successfully requested 2009-2011 biennial budget funding to purchase approximately 8,000 hours of 'housing specialists' to locate appropriate housing.

At times, the DOC pays to house a sex offender in a contracted temporary living program, halfway house, emergency housing, or if no contract beds are available, the offender may be placed in a local jail [paid by DOC] until appropriate housing is located.

Prohibition of ordinances or resolutions denying housing to sex offenders may reduce the number of housing specialists necessary to locate sex offender appropriate housing and free up Probation & Parole Agents and Sex Offender Registry Specialists to supervise additional offenders. This prohibition may also reduce the DOC's costs to pay for the housing described above.

In addition to the 4,800 adult sex offender registrants on active community supervision, there are approximately 8,900 other adult sex offender registrants whose sentence has expired and are no longer under supervision. However, all 13,700 of these offenders are subject to the local ordinances on where they can live. Sex offender registration specialists investigate any noncompliance issues with the registry, such as providing an inaccurate home address. If this bill becomes law, it is expected that the number of noncompliance investigations by the specialists will decrease. It is not known what the extent of this workload savings will be.

Local costs: It is possible the DOC will require less jail beds to house sex offenders which in turn would reduce a jail's costs.

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