



## Fiscal Estimate Narratives

DOC 8/10/2015

LRB Number	15-1177/3	Introduction Number	AB-0290	Estimate Type	Original
<b>Description</b> Imposing residence restrictions on certain sex offenders, establishing conditions of release from civil commitment for certain sex offenders, and providing a criminal penalty					

### Assumptions Used in Arriving at Fiscal Estimate

This bill establishes residence restrictions for persons who have committed certain sex offenses.

Under current law, when a person who has committed a sex offense (sex offender) is released to parole or extended supervision in the community, the Department of Corrections (DOC) may approve the person to reside only within the county in which the person was convicted of the offense, or in which he or she was residing at the time of the offense, or within a sex offender treatment facility.

Current law allows DOC to authorize the person to reside in a different location if the person initially resided in one of the listed locations. Under current law, with some exceptions, a person who commits certain sex offenses is required to register with DOC (registered sex offender). A registered sex offender may not establish or change his or her residence without notifying DOC and, so long as he or she is under DOC supervision, without DOC approval. DOC maintains the sex offender registry and makes the information contained therein available on an Internet site and makes the information available to local law enforcement agencies via a direct electronic data transfer system.

Under current law, a person who is released to the community after committing certain sex offenses against children or who otherwise requires close monitoring upon his or her release into the community (high-risk sex offender) is subject to electronic monitoring by DOC. A high-risk sex offender may be monitored through global positioning system tracking or passive positioning system tracking, which may continue for the lifetime of the high-risk sex offender.

Under the bill, DOC must make every reasonable effort to authorize a sex offender to reside within the city, town, or village in which he or she resided on the date of the sex offense. If the person is unable to reside in the city, town, or village in which he or she resided on the date of the sex offense, DOC may authorize the person to reside in the county in which the person resided at the time of the sex offense or in which the person was convicted of the sex offense.

Under the bill, DOC may authorize most sex offenders to reside in a different location if the sex offender was initially placed in the appropriate city, town, village, or county but may not authorize a high-risk sex offender to reside in any location other than a sex offender treatment facility. Under the bill, a high-risk sex offender may not reside within 1,000 feet of a school premises or within 1,000 feet of a child care facility for as long as he or she is subject to tracking. The bill provides exceptions from the residency restriction for a person who is confined in a jail, prison, or other house of correction, for certain juvenile offenders, and for a person who is living in housing under a contract with DOC.

The bill sets forth conditions of release, established by the Department of Health Services, for those persons who are released to the community after being held in civil commitment for certain serious sex offenses. Finally, the bill prohibits a city, village, town, or county from enacting or enforcing an ordinance or resolution that affects the residence of any registered sex offender.

The bill specifically addresses offenders who are required to register under Wisconsin Statute §301.45. As of July 30, 2015, there are 23,822 offenders required to register under Wisconsin Statute §301.45, Sex offender registration. While it is not possible to determine the exact fiscal impact of the bill, we can determine that the bill would result in some operational changes for the DOC. Currently, no state law restricts residence for persons who are required to register under §301.45; however, local ordinances regarding this do exist and vary widely. This bill will provide state-wide uniformity for sex offender residency, which may result in an increase in housing stability for sex offenders, a key component in their re-entry into the community.

The bill creates a new crime. Any high-risk sex offender who intentionally violates a restriction on his or her residence is guilty of a Class H felony and may be fined up to \$10,000, or sentenced to a term of imprisonment of up to six years, or both. Because no data exists to determine how large this new population of inmates/offenders would be, and subsequently how many individuals would be convicted of this crime and sentenced to DOC's institutions or be placed under the DOC's supervision in the community, it is not possible to determine the fiscal impact to the DOC.

State costs could change if an increased number of offenders are convicted of this crime and placed on probation. If there is a large increase in the number of offenders placed on probation or extended supervision, additional community corrections funding and/or positions may be necessary to handle the population. The average FY14 annual cost to supervise one offender is approximately \$2,800.

The average FY14 annual cost for an inmate in a DOC institution is approximately \$32,800. 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 \$5,700 based on FY14 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

The local fiscal impact of the bill cannot be predicted because the Department of Corrections cannot predict the number of people that will be sentenced and the sentencing practices of judges under the new law.

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