

Fiscal Estimate Narratives

DOC 11/23/2015

LRB Number	15-3540/1	Introduction Number	AB-0522	Estimate Type	Original
Description Reimbursement of counties for probationers, parolees, and persons on extended supervision who are placed with the county pending disposition of revocation proceedings					

Assumptions Used in Arriving at Fiscal Estimate

This bill creates a monthly \$3 surcharge for all probationers, parolees, and persons on extended supervision and creates an appropriation the new revenue is to be credited to. Probationers, parolees, and persons on extended supervision are assessed a supervision fee by the Department of Corrections (DOC) in accordance with Wis. Stat. §304.074(2). The \$3 surcharge would reimburse counties for probation, parole, and extended supervision holds. Under current law, counties are reimbursed for probation, parole, and extended supervision holds in accordance with Wis. Stat. §302.33(2)(a), which directs DOC to reimburse counties at a rate of \$40 per day. If the amount provided for under §20.410(1)(bn) is insufficient to reimburse at \$40 per day, counties are to be reimbursed at a prorated amount. The amount provided under §20.410(1)(bn) has not been sufficient to reimburse counties at the \$40 per day rate since 2004. The reimbursement rate for FY2015 was \$35.84 for a total of 136,319 bed days. The amount provided under §20.410(1)(bn) for FY15 was \$4,885,700.

The surcharge created by this bill, would be in addition to the supervision fee currently assessed by DOC to offenders on active supervision. Supervision fees are one of many fees which offenders are charged. While not assessed by DOC, it is important to note the numerous fees that probationers, parolees; and persons on extended supervision may be assessed; some of these fees include:

- ...crime victim and witness surcharge
- ...crime laboratories and drug law enforcement surcharge
- ...DNA surcharge
- ...global positioning system tracking surcharge
- ...attorney fees
- ...court fees
- ...fines
- ...jail surcharge
- ...drug abuse program improvement surcharge
- ...drug offender diversion surcharge
- ...truck driver education surcharge
- ...domestic abuse surcharge
- ...ignition interlock surcharge
- ...crime prevention funding board surcharge

Offenders may also be ordered by the court to pay restitution to their victim(s).

Per Wis. Statute §973.20(11)(a), DOC is paid a 5% surcharge for fees collected by the department for other agencies to offset administrative expenses. Funds collected under this statute are credited to §20.410(1)(h). This bill does not indicate that DOC would receive this surcharge, resulting in DOC bearing the expense of collecting this fee for the counties. The Department's Division of Community Corrections (DCC) would require additional staff for its cashier's unit to collect this surcharge. DOC estimates additional staff would cost \$283,000 annually.

Supervision fee collections have been declining in recent years. DOC estimates 12% of offenders on active supervision made a payment to DOC in FY15. Of the estimated 45,832 offenders charged a supervision fee per month in FY15, an estimated 5,293 offenders made a payment to DOC per month. DOC receives supervision fee payments directly from offenders and from the Department of Revenue's Tax Refund Intercept Program (TRIP). The 5,293 includes offenders on active supervision who made a payment directly to DOC, it does not include any payments received by DOC via TRIP.

For purposes of this fiscal estimate, DOC assumes that 12% (5,293) of offenders charged a supervision

fee will pay in the future. Under this bill, every offender charged a supervision fee will be charged a \$3 surcharge. DOC estimates that \$190,548 will be generated by this new surcharge annually. If we assume the same number of bed days from FY15 (136,319), the same amount provided under §20.410(1)(bn) (\$4,885,700), and the estimated annual revenue from the new surcharge (\$190,548), DOC estimates the counties would be reimbursed at \$37.24 per bed under this legislation. DOC estimates an additional \$283,000 would be needed by the Department to collect this surcharge.

Local Government Costs:

As a result of this bill, counties may see an increase in the reimbursement rate for probation, parole, and extended supervision holds.

Long-Range Fiscal Implications