

Fiscal Estimate - 2025 Session

Original Updated Corrected Supplemental

LRB Number **25-1596/1** Introduction Number **AB-0085**

Description
recommendation to revoke extended supervision, parole, or probation if a person is charged with a crime

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
 - Increase Existing Revenues
 - Decrease Existing Revenues
 - Increase Costs - May be possible to absorb within agency's budget
 - Yes
 - No
 - Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
 - 1. Increase Costs 3. Increase Revenue
 - Permissive Mandatory Permissive Mandatory
 - 2. Decrease Costs 4. Decrease Revenue
 - Permissive Mandatory Permissive Mandatory
 - 5. Types of Local Government Units Affected
 - Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected

Affected Ch. 20 Appropriations

GPR FED PRO PRS SEG SEGS

Agency/Prepared By

Authorized Signature

Date

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3/13/2025

Fiscal Estimate Narratives

DOC 3/13/2025

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Description recommendation to revoke extended supervision, parole, or probation if a person is charged with a crime					

Assumptions Used in Arriving at Fiscal Estimate

This bill requires the Department of Corrections (DOC) to recommend revoking a person's extended supervision, parole, or probation if the person is charged with a crime while on extended supervision, parole, or probation.

Under current law, DOC utilizes Department Policy, evidence-based practices, Department Administrative Code, and statutory requirements to determine whether or not to revoke a person's extended supervision, parole, or probation if the person is charged with a crime while on extended supervision, parole, or probation.

Under current law, a sentencing court may order a person's criminal record expunged of a crime if the court determines that the person will benefit and society will not be harmed and if certain conditions are met. This bill adds to those conditions that the court may not order the record expunged of a crime if the person had previously been convicted of a crime, including a crime for which the record had been expunged.

2013 Act 196 provided the DOC with the authority to develop a system of short-term sanctions for violations of conditions of parole, probation, extended supervision (ES), and deferred prosecution agreements. These sanctions can result in clients being placed in a regional detention facility or a county jail for up to 90 days. Under this proposed bill, the system of short-term sanctions established by 2013 Act 196 would not be an option for clients charged with a crime while on extended supervision, parole, or probation.

In CY18, the DOC recommended the revocation for 9,961 cases of individuals on extended supervision, parole, or probation. The Department of Administration's Division of Hearings and Appeals (DOA DHA) reviews and determines the outcome of revocations recommended by the DOC. It is estimated that DOA DHA would see an increase of 6,280 revocation cases each year. DOA DHA charges DOC approximately \$284 to review and provide a disposition for each revocation case. Under this bill, it is estimated that increased revocation recommendations would result in increased DOA DHA charges to DOC in the amount of \$1,786,600 annually.

In CY18, approximately 87% of the cases recommended for revocation by DOC were revoked by DOA DHA, resulting in the client being sent to prison. In FY16, on average, individuals on community supervision with a new conviction were revoked to prison for approximately 39 months of incarceration. It is unknown if these patterns of revocation rates and sentencing will continue under the proposed legislation. It is possible that both will decrease due to the DOC being required to recommend revocation for the charge of any crime, instead of the current process that utilizes several factors to determine if recommending revocation is an appropriate response to the client's behavior.

For purposes of this fiscal estimate, the Department assumes that approximately 47% of the cases recommended for revocation by DOC will be revoked by DOA DHA, resulting in the client being sent to prison. In addition, the Department assumes revocation sentences will be 19 months.

The Department requested data from Wisconsin Court System Circuit Court Access (CCAP) to determine the number of clients under community supervision during FY19 and were charged with a crime. Using that data, the Department estimates 6,280 clients on community supervision were charged with a new crime and remained on community supervision. Under this bill, DOC would be required to recommend revoking the community supervision of all 6,280 individuals. The Department assumes 47% of revocations recommended by DOC will be affirmed by the Administrative Law Judge (ALJ). The Department estimates this bill will result in an average increased daily population of 1,599 in the Department's Division of Adult Institutions (DAI) during the first year. When the population is annualized after 19 months, there will be a permanent increase of 4,673 persons in our care (PIOC) to DAI's population.

Due to the global pandemic, the number of people in DOC's care had declined significantly, however as courts have begun to return to normal operations, the number of intakes into the prison system have increased significantly since the start of CY2023. The overall PIOC population is getting close to the capacity at DOC's facilities. The Department would likely need to build two new facilities to accommodate this population increase

stemming from passage of this legislation, and it is estimated that the cost to construct one new prison would upwards of \$1 billion dollars, and would depend on a number of factors, such as location, size and custody level.

The average FY24 annual cost for a PIOC in a DOC institution is approximately \$52,200. The estimated population increase will ultimately depend upon: 1) the number of individuals being charged with a crime, 2) the rate at which the ALJs affirm the revocation recommendations, and 3) the length of reincarceration time imposed upon the clients by the ALJs.

The department is working to obtain newer data but is unable to provide at this time.

SUMMARY:

It is estimated that this bill would result in increased operations costs (excluding possible construction costs) to the Department of Corrections in the amount of \$85,243,100 during the first year of enactment. The Department estimates there will be a permanent increased operations cost of approximately \$245,736,300 after the population is annualized during the second year of enactment.

Long-Range Fiscal Implications