

Fiscal Estimate - 2021 Session

- Original Updated Corrected Supplemental

LRB Number 21-4318/1		Introduction Number SB-684		
Description definition of youth center for purposes of placing a sexually violent person on supervised release and notification requirements for such placements				
Fiscal Effect				
State:				
<input type="checkbox"/> No State Fiscal Effect				
<input type="checkbox"/> Indeterminate				
<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget		
<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs		
Local:				
<input type="checkbox"/> No Local Government Costs				
<input checked="" type="checkbox"/> Indeterminate		5. Types of Local Government Units Affected		
1. <input checked="" type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	<input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Village <input checked="" type="checkbox"/> Cities		
<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others		
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	<input type="checkbox"/> School <input type="checkbox"/> WTCS		
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	Districts Districts		
Fund Sources Affected		Affected Ch. 20 Appropriations		
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		20.435 (2)(bm)		
Agency/Prepared By		Authorized Signature		Date
DHS/ Michael Christopherson (608) 266-9364		Andy Forsaith (608) 266-7684		2/10/2022

Fiscal Estimate Narratives

DHS 2/10/2022

LRB Number	21-4318/1	Introduction Number	SB-684	Estimate Type	Original
Description definition of youth center for purposes of placing a sexually violent person on supervised release and notification requirements for such placements					

Assumptions Used in Arriving at Fiscal Estimate

Currently, a person found to be a sexually violent person and involuntarily committed to the Department of Health Services (DHS) for control, care, and treatment may petition the court for supervised release into the community. If a court determines supervised release is appropriate for the individual, current law prohibits placing the sexually violent person within 1,500 feet of a school, child care facilities, place of worship, park, or youth center. Current law defines a "youth center" as a center that regularly provides recreational, vocational, academic, or social services for persons under 18. This bill would amend the definition of "youth center" to also include any private property on which recreational, vocational, academic, or social services activities are regularly provided for persons under 18.

Under current law, once the court approves a residence as part of a supervised release plan, the court must notify law enforcement agencies with jurisdiction that a person will be placed on supervised release. This bill would require law enforcement agencies to provide written notice of the placement to all private residences within 1,500 feet of the approved residence, at least 10 working days before the person is placed in the community. The bill stipulates these notices include the name, approved residence address, a recent picture of the person, and include all sexually violent offenses for which the person was convicted, found not guilty by reason of mental disease or defect, or adjudicated delinquent, the conditions or rules of the individual's supervised release, and methods by which persons may report suspected violations of a condition or rules of the individual's supervised release. The bill would require DHS to reimburse local governments for the costs incurred providing such notice.

By limiting potential locations an individual on supervised release can be placed, the bill is expected to increase administrative costs for county agencies. Counties are responsible for developing a report that identifies a supervised release placement site. The reports are developed by a committee that must include the county human services department, a DHS representative, a local probation or parole officer, the county corporation council or his or her designee, and a representative of a county that is responsible for land use planning or land information. Counties have 120 days following the court order to submit a report to DHS. After 120 days, counties can be fined for each day the report is delayed, under the patient's rights provisions established under Wisc. State. 51.61. Given the provisions of this bill, county committees would likely spend more time working to identify residences for individuals on supervised release. Because the Department cannot determine how much additional time will be needed by local agencies to determine placements, it cannot estimate the fiscal impact on those agencies, but the additional restrictions on placement are expected to increase the amount of time agency staff spend identifying suitable locations.

While an individual ordered for supervised release awaits placement in the community, the individual remains in the Department's custody and care and incurs costs at Sand Ridge Secure Treatment Center (SRSTC). After a supervised release placement is ordered, it takes over seven months, on average, for a supervised release plan to be approved in an urban areas, and over 10 months for a rural plan to be approved. Currently, it costs the Department about \$10,500 more per month on average to treat an individual at SRSTC compared to placing the individual in the community through a supervised release.

In FY 22, the Department expects to place 28 individuals into communities through the supervised release

program. If each placement were delayed a month, it would cost the Department \$294,500 annually to keep the individual at SRSTC. The Department expects creating, printing, distributing the notices would cost local agencies about \$1,000 per placement for staff time and mailing expenses. The Department expects it would need \$29,300 annually to reimburse local law enforcement for the cost of the notices. DHS would not need additional staff to implement the provisions of this bill. Based on these estimates, the Department expects this bill would increase costs by \$323,800 GPR annually.

The bill does not provide DHS with any budget authority to support the administration of the bill and does not provide the Department a way to ensure local government costs are limited. The bill does not limit the amount of time or resources local government agencies can spend developing and transmitting the notifications, or limit the expenses they can incur, and establishes a potentially unlimited, unfunded cost for the Department.

Long-Range Fiscal Implications