

### Fiscal Estimate - 2005 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 05-0052/2	<b>Introduction Number</b> SB-176
<b>Subject</b> Residence of sex offenders	
<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 checked="" 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 type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input 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 type="checkbox"/> Others <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>
DOC/ Cathy Halpin (608) 240-5538	Robert Margolies (608) 240-5056
	<b>Date</b>
	7/22/2005

## Fiscal Estimate Narratives

DOC 7/25/2005

LRB Number 05-0052/2	Introduction Number SB-176	Estimate Type Original
<b>Subject</b> Residence of sex offenders		

### Assumptions Used in Arriving at Fiscal Estimate

This bill restricts convicted sex offenders who are placed on parole, probation or extended supervision from establishing, reestablishing or remaining in a residence within 1 mile of the victim of the sex offense. This bill also broadens the definition of a serious sex offense so that the residency restrictions apply to a person who has committed a third or fourth degree sexual assault or committed sexual exploitation by a therapist.

In most cases, the new prohibition would also apply when the offender seeks to change his/her residence. It is unclear if this prohibition would apply if the offender were to re-sign a lease agreement [same residence, new time period].

During CY2004, 735 offenders convicted of one of the included sex offenses were released from prison while still under Department supervision. During that same time period 925 offenders were placed on probation for these offenses. Finally, 612 sex offenders who changed residences would be affected. Assuming this data is representative of future statistics, it is estimated that the Department would have to locate the victims of approximately 2,300 sex offenders annually and to identify appropriate housing for the offender outside a 1-mile radius of those victims.

It should be noted that many sex offenders have multiple victims. In order to determine an acceptable residence outside a 1-mile radius from the victim(s), Department staff will have to determine the current address of the victim(s). One source of that information will be the Victim Notification System the Department maintains, but that only includes addresses of victims who have registered to receive alerts about their victimizer.

There are currently approximately 15,000 victims enrolled in our system with active cases. We don't know how many are victims of a sex offense or what percentage of victims of a sex offense enroll for notification. Enrollment is discretionary on part of the victim. Some victims don't want to know about or be involved in a case after the conviction.

Enrolled victims have access to automated offender information 24 hours a day, seven days a week, through VINE, an automated phone system and VOICE, a Web-based system. In sex offender cases this includes items such as the address of the offender's home, school and place of employment. Whenever a sex offender moves, the victim is notified via U.S. Mail or through a personal and confidential online message center.

It is not clear in the bill what steps DOC will have to take to locate victims. If it is assumed that probation/parole staff will have to locate the current address of victims who have not enrolled for notification, they will potentially encounter victims who have had one or two surname changes through marriage, subsequent divorce and remarriage, adoption, etc., during the time the offender was placed in prison until the time of the offender's release to the community or until the offender requests an address change. Since the victims may no longer live in Wisconsin, and potentially, the offender may, through interstate agreements, petition to live outside Wisconsin, the search for the victim could extend beyond Wisconsin borders.

In small Wisconsin communities or with recent crimes, it may take very little time to track the victim's current location. In large urban settings, or if much time has passed, it will be more time consuming for the agent to identify the victim's current location.

The Department has no prior experience with locating unregistered victims and cannot predict the length of time necessary to find the multiple victims of approximately 2,300 offenders per year. While it is anticipated that the legislation will require additional resources, it is not possible to estimate the increase.

In addition to the workload increases necessary to locate the victim, it is assumed the Department's workload to

locate appropriate housing for the sex offender will increase. Probation and parole agents are involved in assessing residences for sex offenders and in some cases actually finding appropriate residences. There are a number of potential situations that could conceivably arise that would affect an agent's workload.

The first situation involves sex offenders who live in small communities where the majority of the residences exist in a limited geographic area. Generally, the Department places sex offenders in the county of conviction. These areas may include small communities where the victim lives in the center of the community. If a one-mile radius is applied, it is possible that there would be no housing available for the offender in that community. This would then require the agent to assist the offender in finding housing in another community.

Especially time consuming will be those offenders with special physical or mental health treatment needs, which may include placement in a nursing home. If, for example, a nursing home is willing to accept a sex offender in a wheel chair, and the victim lives within a 1-mile radius, the sex offender would be prohibited from living in that nursing home. It is likely the Department would spend considerable time to find alternative housing for this offender.

Halfway houses provide structure to an offender's day as well as treatment. The offender is also often expected to seek full-time employment in the same geographic area. If the victim were to live within a 1-mile radius of the halfway house, the Department would have to locate suitable housing in another geographic area that may not have the treatment options available. In addition, the Department may incur opposition from communities that don't want sex offenders relocating to their area.

In summary, it is anticipated that the Department's workload will substantially increase in order to locate suitable sex offender housing outside of a 1-mile radius of potentially, multiple victims. However, the Department is unable to quantify the increase.

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