

Fiscal Estimate - 2017 Session

Original Updated Corrected Supplemental

LRB Number **17-4883/1** Introduction Number **AB-0736**

Description
creating a procedure for granting certificates of qualification for employment for persons convicted of a crime and making an appropriation

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

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

DOC 12/13/2017

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Description creating a procedure for granting certificates of qualification for employment for persons convicted of a crime and making an appropriation					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who has been convicted of a crime may be ineligible for, or at a disadvantage related to, certain types of employment, occupational licensing, or occupational certification. This bill creates the Council on Offender Employment, which may issue a certificate of qualification for employment (CQE) that grants relief to the person from ineligibility for or disadvantage related to employment, occupational licensing, or occupational certification. Under the bill, a person who has been convicted of a nonviolent crime and released from confinement may apply to the council for a CQE after he or she has served a term of incarceration of at least 24 consecutive months or after he or she has served a term of incarceration of at least 12 consecutive months and a term of extended supervision of at least 12 consecutive months.

Under the bill, the Department of Corrections must supply the council with information gathered during the person's period of incarceration and supervision that the council may use to determine whether to grant a CQE. Under the bill, the council must grant a person's application for a CQE if the council finds that the person is not likely to pose a risk to public safety, that the CQE will substantially assist the person in obtaining employment or occupational licensing or certification, and that the person is less likely to commit an additional criminal offense if he or she obtains a CQE. The council may not issue a CQE that provides relief from ineligibility for certain occupations, licenses, or certifications that are related to certain offenses, which are designed to protect public health and safety, or that, have a close connection to the crime for which the person was convicted.

Under the bill, generally, if a person who received a CQE is convicted of a felony or of a Class A or Class B misdemeanor or has his or her probation or extended supervision revoked for committing a criminal offense, the CQE is permanently revoked. The bill also provides limited immunity from civil liability for employers who hire a person who is issued a CQE. Under the bill, the employer is immune from liability for the acts or omissions of the employee unless the employer acted maliciously, with gross negligence, or with intent to cause harm when he or she hired the employee.

The bill is similar to a CQE program in Ohio that had 2,143 CQE petitions in 2014. Ohio allows offenders to apply for a CQE once they are off supervision for a specified time period. Wisconsin will allow all non-violent offenders to apply for certification after he or she has served a term of incarceration of at least 24 consecutive months or after he or she has served a term of incarceration of at least 12 consecutive months and a term of extended supervision of at least 12 consecutive months. Since there is no way to know how many offenders are off supervision in Ohio, there is no way to directly compare the two populations. In order to provide a best estimate of the number of offenders who would apply for a CQE in Wisconsin, a comparison of Wisconsin and Ohio's community supervision was utilized. Wisconsin's community corrections population is 26% of Ohio's community corrections population according to a comparison of 2014 Bureau of Justice Statistics information on Ohio's community corrections and the Wisconsin DOC's probation and parole population data. Thus, for purposes of this estimate the DOC assumes that it will have 557 CQE petitions annually (26% of the 2,143 CQE petitions in Ohio).

Upon request, the bill requires the Department to provide the following information to the Council on Offender Employment:

- 1) His or her highest level of education.
- 2) Any treatment he or she has completed.
- 3) Any performance evaluations for his or her work.
- 4) Any risk and needs assessment reports.
- 5) Any other reports of information gathered during the normal course of business, as requested by the council.

The Department already has the above-referenced information. While it would take a Probation and Parole Agent approximately 1 hour per request to gather and transmit to the Circuit Courts, this workload would be

spread out over all of the staff in the Division of Community Corrections (DCC) across the state. Consequently, the small workload increase for each full-time equivalent Probation and Parole Agent could be absorbed by DOC. The Division of Adult Institutions (DAI) regularly fulfills requests for this type of information; as such there would not be an appreciable increase in workload for DAI staff.

The bill also requires the Department to provide the legislature with an annual report including the following elements:

- 1) The number of certification applications received,
- 2) The number of certifications issued,
- 3) The number of certifications revoked and the reasons for revocation.

The Department will work with the Circuit Courts to obtain this data and can submit the required report with current resources.

The Department anticipates no fiscal impact as a result of this bill.

Long-Range Fiscal Implications