

Fiscal Estimate - 2017 Session

Original Updated Corrected Supplemental

LRB Number 17-4326/2		Introduction Number SB-446	
Description plans for supervised release of sexually violent persons, representation of sexually violent persons by the state public defender, and making an appropriation			
Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input checked="" type="checkbox"/> Create New Appropriations		<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	
Local:			
<input type="checkbox"/> No Local Government Costs			
<input type="checkbox"/> Indeterminate			
1. <input checked="" type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village	
<input checked="" type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS s. 20.435 (2) (bj), (2) (gz)			
Agency/Prepared By		Authorized Signature	Date
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Fiscal Estimate Narratives

DHS 11/27/2017

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Description plans for supervised release of sexually violent persons, representation of sexually violent persons by the state public defender, and making an appropriation					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a sexually violent person who is involuntarily committed to a Department of Health Service institution for control, care, and treatment under WI Chapter 980 may petition the court for supervised release. The court will order a county's s. 51.42 department to prepare a report, either independently or with DHS assistance, that identifies potential residential options. DHS will review the committee's report and prepare a supervised release plan for the court's approval within 90 days of the court's initial determination supervised release is appropriate. So far, in FY 2018, 10 community placements have been made, and 21 supervised release placements were made in FY 2017.

Current law limits potential residential housing locations for individuals on supervised release. It requires all individuals on supervised release to not reside within 1,500 feet of a school premises, child care facility, public park, place of worship, or youth center. If the individual was committed for sexually violent offense against an adult at risk or elderly adult, they also cannot reside within 1,500 feet of a nursing home or assisted living facility. If the person is a serious child sex offender, they cannot reside at a property adjacent to a property where a child primarily resides. Partially due to these restrictions, the Department has experienced increased difficulty in identifying acceptable residences in recent years.

Under this bill, if a court determines supervised release is appropriate, the court will order the county to form a temporary committee in the county of the person's residence to prepare a report within 120 days, unless good cause for placement in another county exists. In the first year under the bill, committees would have 180 days to complete the report. The county committee will be comprised of the county department under s. 51.42, a DHS representative, a local probation or parole officer, and a representative, or department, of the county responsible for land use or information. The committee will prepare a report for the county within 120 days of the court order. The report must include residential options for the individual. A county could be in violation of the individual's rights if the report is not received within this time period and subject to enforcement and damages for each day the report is delayed beyond 120 days. The fines resulting from the delay are appropriated to a new appropriation 20.435 (2) (gz) and would be used to help pay costs associated with housing persons on supervised release.

While trying to find residences, the Department maintains a waiting list for individuals ordered to be placed on supervised release. As of 11/13/17, 33 individuals were waiting for Supervised Release placements, with the placement waiting list varying between 29 and 40 individuals in the last year. In recent years the time spent on the waiting list has increased, with a person on average taking 521 days to be placed in FY 2017, compared to 406 days in FY 2016, and 230 days in FY 2015. The delays in placement are primarily due to the difficulty in finding suitable residences for the individuals on the list. Counties have also expressed a desire to re-home individuals place outside of their counties of residence, and these placements may be affected by this bill. As of 11/13/17, 20 individuals were living in residences outside of their original county of residence, and an additional 13 individuals have placement orders outside of their county of residence.

This bill eliminates both the distance and location restrictions for supervised release placements and instead instructs the committee to consider the residence's proximity to schools, child care facilities, public parks, places of worship, youth centers, nursing homes, assisted living facilities, and/or property adjacent to a child's primary residence when preparing its report for the court. It creates a committee process with local and state stakeholders determining where residents can be placed. The bill is unclear if local ordinances setting forth residency restrictions, whether by distance, density, or original domicile would be enforced when a placement recommendation is reviewed by the court. DHS cannot determine how shifting from its current process to a committee process will impact the pace of placements into communities. The bill could increase the number of individuals placed on Supervised Release, thereby increasing the cost of the program. The bill would not impact the flow into or treatment of individuals at Sand Ridge Secure

Treatment Center, nor would it likely result in enough Supervised Release placements from the facility to the community to result in the closing of one of the facility's wings, making cost savings at SRSTC unlikely.

Currently, DHS has 3.0 FTE who oversee services for individuals placed on Supervised Release. The individuals develop and monitor contracts, coordinate with local stakeholders, and search for potential residential locations. The team spends about 20 hours a week searching for residential locations. If they no longer had to perform any searches for residential property, it would free up about 0.5 FTE of time which could be used to help staff the county committees.

Under the bill, DHS staff would be required to participate on the temporary county committees to prepare a report for the county within 120 days of the court order. It is unknown how much time it will take staff to serve on the committees, as it will be a new role for both the Department and county officers. DHS staff would have to make site visits to help facilitate committee discussions, a task they are not required to do now. It is also unknown how much counties will continue to seek and utilize the expertise the Department currently provides in locating supervised release residences. If DHS were to serve on temporary committees for an estimated 30 county placements annually, devoted 80 hours per year per committee, no longer spend time on residential searches, it would expend 2,400 work hours per year, or 1.5 FTE, assuming 1,600 productive work hours per FTE. If the county committees continue to rely on DHS expertise in securing residential locations, DHS time would increase significantly to support the committee work and perform reviews of housing locations. There may also be increased demand from counties currently hosting 10 residents from other counties within their borders, as they could continue requesting to return these individuals to their original county of residence. In order to accomplish the increased workload, the Department would need an increase of at least 1.0 FTE Human Services Coordinator – Sr and \$77,700 GPR.

Under this bill, s. 980.08 (5m) is deleted, creating uncertainty around the ability to arrange placement for supervised release individuals in a facility constructed or obtained since 2006 as an outpatient treatment facility for the purpose of housing persons on supervised release.

This bill will likely increase costs at the county level. Under current law, counties do not need to form a committee when preparing a report for placement opportunities, instead the report is prepared by the county's s. 51.42 department. Should this become law, counties would need to support the committees using their own resources, time, and staff to meet the obligations of the bill. County staff and departments who may have limited or no experience working with the SVP population would need to work on a new type of committee to determine the placement of the individual on supervised release. Finally, counties which fail to provide reports in time to the courts could see increased costs as they are required to pay fines for housing, treatment, and care for the individuals who are meant to be on supervised release, but are delayed in placement.

Long-Range Fiscal Implications