

Fiscal Estimate Narratives

DOC 10/23/2017

LRB Number	17-4326/2	Introduction Number	SB-446	Estimate Type	Original
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 person who has been found to be a sexually violent person may be involuntarily committed to the Department of Health Services for control, care, and treatment. If a person is committed and placed in institutional care, the person may periodically petition the court for supervised release. If a court determines that supervised release is appropriate, the court must select a county to prepare a report that includes prospective residential options for the person. Unless good cause exists, the court must select the person's county of residence, and the county must prepare the report within 60 days. DHS must then prepare for the court a supervised release plan for the person that identifies the residential option for the court to approve. Under current law, the plan must be submitted to the court within 90 days of the finding that supervised release is appropriate.

Under this bill, if a court determines that supervised release is appropriate, the court must order the person's county of residence to prepare a report that identifies one appropriate residence for the person. The county must create a temporary committee to prepare the report for the county and, under this bill, the county must prepare the report within 120 days of the order. A county that does not comply violates the person's rights as a patient and the county is subject to enforcement and damages for each violation, and each day beyond the 120 days constitutes a separate violation. Once DHS receives the report, DHS must submit to the court a supervised release plan within 30 days.

As of August 2017, the Department of Corrections (DOC) provides community supervision services to 82 sexually violent persons on supervised release under §980.

This bill does not create any new crimes, alter prison sentences under existing crimes, nor does it alter probation sentences under existing crimes; as a result, no fiscal impact on the DOC is likely to result from this bill.

It is unknown what the local fiscal impact of this bill would be. The DOC has no data from which to draw conclusions regarding the local fiscal impact of this bill.

Long-Range Fiscal Implications