FISCAL ESTIMATE DOA-2048 N(R06/99)	2009 Session ☒ ORIGINAL ☐ UPDATED ☐ CORRECTED ☐ SUPPLEMENTAL	Administrative Rule Number **DOC 328**

Subject
Community Supervision of Offenders

Fiscal Effect

State: ☒ No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

☐ Increase Existing Appropriation ☐ Increase Existing Revenues
☐ Decrease Existing Appropriation ☐ Decrease Existing Revenues
☐ Create New Appropriation

☐ Increase Costs - May be possible to Absorb Within Agency's Budget ☐ Yes ☐ No

☐ Decrease Costs

Local: ☒ No local government costs

1. ☐ Increase Costs ☐ Permissive ☐ Mandatory
2. ☐ Decrease Costs ☐ Permissive ☐ Mandatory
3. ☐ Increase Revenues ☐ Permissive ☐ Mandatory
4. ☐ Decrease Revenues ☐ Permissive ☐ Mandatory
5. Types of Local Governmental Units Affected: ☐ Towns ☐ Villages ☐ Cities ☐ Counties ☐ Others _____ ☐ School Districts ☐ WTCS Districts

Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

This change reorganizes and renumbers DOC 328. It also updates the rule to reflect new terminology and law changes. It also incorporates discharge from community supervision as authorized in 2009 Wisconsin Act 28 and Felce hearings (involuntary requirement to take psychotropic drugs as rule of supervision).

Under this rule the department may grant an offender early discharge when there is a reasonable probability that supervision is no longer necessary for the rehabilitation and treatment of the offender and for the protection of the public.

The department shall consider all of the following in making its determination:

(a) The goals and objectives of supervision have been satisfied.

(b) For offenders on probation, they have served at least fifty percent of the term of probation.

(c) For offenders on parole, they have reached their mandatory release date or have been under supervision for two years.

(d) For offenders on extended supervision, all of the following shall apply:

1. An offender is not eligible for early discharge under this section if convicted of any of the following offenses:

- Class B felony offenses, or
- violations of s. 940.03, 940.06, 940.11(1), 940.235, 940.302, 940.31(1), 940.32(3), 941.21, 946.465, 948.03(2)(a), 948.40(4)(a), Stats., or
- offenses against elderly or vulnerable persons as defined in s. 939.22(20d), Stats.,
- offenses related to ethical government, as defined in s. 939.22(20m), Stats., or
- offenses related to school safety as defined in s. 939.22(20s), Stats.

Long-Range Fiscal Implications

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2. The offender has been supervised for a minimum of two years and the discharge is in the interest of justice.

3. The department shall notify the victim of the offender, as defined in s. 950.02(4)(a), of its intent to discharge the offender from extended supervision.

This rule also provides guidelines for imposing a condition of supervision requiring compliance with prescribed psychotropic medications. Psychotropic medication may be made a condition of supervision only under the following situations:

(a) Following commitment proceedings where the offender has been found not competent to refuse psychotropic medication.

(b) With the consent of a guardian who is able to authorize treatment of the offender with psychotropic medication.

(c) Following a department hearing, approving a condition requiring the offender's compliance with prescribed psychotropic medication. The procedure for conducting a hearing under this provision is established under the rule.

(d) When the offender waives a department psychotropic medication hearing under (2).

(e) When ordered by a court of law.

Although the Department can not project the full impact of the changes at this time, it is assumed that in the short term the currently authorized positions in the Division of Community Corrections will be able to absorb the increased workload.