

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 52<sup>nd</sup> Legislature

<b>Bill No.:</b>	<b>SB2301</b>
<b>Version:</b>	<b>FULLPCS1</b>
<b>Author:</b>	<b>Representative Duncan</b> <b>Senator Newberry</b>
<b>Date:</b>	<b>3/29/2010</b>
<b>Impact:</b>	<b>1st Year Costs - \$935,842 - \$1,410,842</b> <b>Annual Cost Growth - \$260,000 - \$735,000</b>

**Bill Summary**

Research Analyst: Dante Giancola

The proposed committee substitute for SB2301 removes subparagraph five from Section three of the engrossed version of bill, which had to do with those persons required to wear an electronic monitoring device who are unable to afford the costs associated with the equipment, fee or supervision cost.

SB2301 creates the Electronic Monitoring Program for registered sex offenders. This program requires persons required to register under the Sex Offenders Registration Act to wear an electronic monitoring device for a periods of time that range from at least one year to not more than fifteen years depending on the nature of their crime. Every person required to register must pay an annual fee of \$75.00, which is to be placed in a newly created Sex Offender Electronic Monitoring Revolving Fund.

The bill also increases the penalties for violations of the Sex Offenders Registration Act from a maximum of five years in prison to a maximum of ten years in prison, and a fine of \$100 per day for each day the person is not registered instead of a maximum fine of \$5000.

Finally, any person returned to the custody of the Department of Corrections for failure to register shall not be eligible for early release.

The title is off the bill.

**Fiscal Summary**

Fiscal Analyst: Marilyn Anderson

The proposed committee substitute for SB2301 creates an electronic monitoring program for persons registered pursuant to the provisions of the Sex Offenders Registration Act. SB2301 requires every person required to register pursuant to the provisions of the Sex Offenders Registration Act to pay an annual fee of \$75 to the Department of Corrections (DOC). Persons no longer under the supervision of the DOC, but required to register must wear an electronic monitoring device for minimum of one year up to the duration of their registration if they are convicted for a misdemeanor or felony offense.

Persons under the supervision of the DOC must wear an electronic monitoring device upon discharge from DOC custody for a period of ten or fifteen years, depending upon the crime they were convicted of, must comply with all provisions of the Sex Offenders Registration Act and have no additional misdemeanor or felony convictions. Persons convicted of a second or

subsequent offense or remove or destroy the electronic monitoring device must wear the device for the duration of their lifetime.

Persons who remove or destroy the electronic monitoring device must be reassigned to imprisonment in a correctional facility for at least one year and up to ten years. Upon release from custody the person must wear the electronic monitoring device for the duration of their lifetime.

SB2301 increases the penalty for persons who violate the provisions of the Sex Offenders Registration Act from five to ten years imprisonment and/or a fine of \$100 per day until the person registers. Persons who fail to register and are returned to DOC custody will not be eligible for early release.

### **Fiscal Analysis**

According to DOC, approximately 600 sex offenders a year will be released from custody and placed on active electronic monitoring. Additional offenders will be placed on monitoring based on failure to comply with the provisions of the Sex Offenders Registration Act. The majority of offenders will be on a monitoring device for ten to fifteen years based on their crime.

An electronic monitoring program consists of hardware, installation and fitting of the devices, monitoring and documentation of activity, and notification of failure, alerts, etc. to the appropriate authorities. Such a system will require ongoing administrative and technical support. According to DOC, the most cost effective way to provide an electronic monitoring program is through a vendor who can provide all these services for \$6-\$10 per day per offender, or \$1,300,000 - \$2,190,000 annually for all 600 offenders.

Sex offenders will be required to pay an annual fee of \$75, but the actual cost will be between \$2,190 and \$3,650 annually. DOC estimates that 40% of sex offenders will not have the ability to pay for their monitoring and DOC will be required to pay the entire cost of approximately \$525,000-\$876,000 annually. DOC estimates the registration fees will generate approximately \$300,000 annually.

The first-year costs to implement SB2301 would be as follows:

	<u>Min Cost</u>	<u>Max Cost</u>
11 new staff	\$ 599,010	
Computer hardware and software	11,000	
Telephone lines	22,000	
Smartphones	32,832	
Office supplies	<u>11,000</u>	
Subtotal	\$ 675,842	\$ 675,842
Cost of GPS services	<u>260,000</u>	<u>735,000</u>
Total	\$ 935,842	\$ 1,410,842

DOC anticipates that the growth of the program and associated costs will continue for fifteen years before leveling out. DOC estimates the costs of the annual growth to be \$260,000 - \$735,000 for fifteen years.

### **Long Term Fiscal Considerations**

SB2301 will have a fiscal burden on the DOC. Due to current budget issues, DOC is experiencing critical staffing shortages statewide and without adequate funding for additional positions, management of this project will be challenging. While outsourcing the entire operation to an electronic monitoring provider will minimize the start up and ongoing costs, the agency will need additional staffing in order to monitor the vendor and manage the peripheral issues associated with such a large scale program.

Fiscal Analysis Reviewed By:

*Janice Buchanan*

House Fiscal Director