

Department of Fiscal Services  
Maryland General Assembly

**FISCAL NOTE**

Senate Bill 615 (Senator Stone)  
Judicial Proceedings

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**Sexually Violent Predators - Notification and Registration**

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This bill requires sexually violent predators who have been convicted of a sexually violent offense to register with State and local agencies annually for at least 10 years. Agencies that maintain registrations must in turn notify other people and agencies, including the Department of Public Safety and Correctional Services which must maintain a central registry. The bill specifies which agencies and which people must notify other agencies and people and provides other requirements for implementation. Violation of these provisions by a person required to register is subject to three years imprisonment and/or a \$5,000 fine.

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**Fiscal Summary**

**State Effect:** Significant but indeterminate increase in general fund expenditures due to registration, notification, and database maintenance. Federal revenues would be maintained as described below.

**Local Effect:** Significant increase in expenditures due to registration, notification, and database maintenance. Revenues could increase due to State reimbursement for registration costs and fines imposed under the bill's penalty provision. **This bill places a mandate on local governments, but also requires the State to reimburse local subdivisions for some expenses incurred.**

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**Fiscal Analysis**

**State Revenues:** Under the federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, states must register offenders who are released after conviction of a criminal offense against a minor or a sexually violent offense. If this offender registration is not in effect by federal fiscal year 1998, the State would lose 10% of its Byrne Memorial Grant funding. In fiscal 1997 the State expects to receive \$7.9 million in Byrne

funding. As Maryland currently requires registration of people who commit sexual offenses against minors, this bill would bring the State into compliance with this federal requirement. As a result, federal fund revenues would be maintained.

**State Expenditures:** The bill requires the courts to make determinations as to whether offenders are “sexually violent predators”. In calendar 1995 there were 289 circuit court cases that would have required such an investigation. There would be additional investigations to determine whether or not persons previously determined to be sexually violent predators still are. The Department of Health and Mental Hygiene (DHMH) would presumably make recommendations to the courts. While the cost of such investigations cannot be reliably estimated at this time, it is assumed to be substantial.

Supervising Authorities: Under the provisions of the bill, the following State agencies qualify as “supervising authorities”: the Department of Public Safety and Correctional Services (DPSCS), the District Court, the Patuxent Institution (separate from the DPSCS) and the DHMH.

On the date that a sexually violent predator is released from custody, granted probation before judgement, granted probation after judgment, granted a suspended sentence, placed on work release, or given any type of leave (e.g., special, family, or compassionate leave) after being charged with a sexually violent offense, the appropriate supervising authority is required to send the name, address, Social Security number and a recent photograph of the person with a written description of the crime the person allegedly committed to the following:

- The local law enforcement authority in the jurisdiction in which the person will reside;
- The victim of the crime of which the person was convicted;
- Any witnesses who testified against the person; and
- Anyone else designated by the State’s Attorney that prosecuted the person.

The agency is also required to notify the above named people/entities as soon as possible if the person escapes from custody and after the person is recaptured.

The Department of Fiscal Services advises that the DPSCS maintains records on these offenders and may be able to provide notification services to these agencies at a lower cost than the individual agencies. In addition, the Division of Correction (DOC) has established a

central office to handle notification so that the victims, witnesses, and others do not have to keep track of where the offender is. Fiscal Services advises that if DPSCS acted as a central point of contact for the victims it would be easier for the victims, witnesses and others and cost savings could result from economies of scale. In any case, any increase in notification is not likely to be significant for several years as most people convicted of these offenses receive substantial sentences.

The agency must notify the offender of the requirements under this bill to register. The agencies must maintain a signed statement acknowledging receipt of the notification. The DHMH and District Court would be responsible for maintaining proof that an offender had been informed of the registration requirements for at least 10 years. The DOC estimates that it would be responsible for at least 800 cases a year. The DOC estimates the cost of notification would be \$108,100 in fiscal 1997, including four new positions. Fiscal Services advises that this estimate is based in part on relieving currently understaffed offices and may not be directly attributable to this bill. In addition, any increase in workload would come in the future as the bill applies only to offenses committed after October 1, 1996, and those offenders typically receive long sentences.

Local Law Enforcement Agencies: Under the provisions of the bill, the Department of State Police may be a "local law enforcement agency" in one or more counties. These agencies are required to:

- notify the municipal police department of the residence of an offender if the person will live in an incorporated municipality with a police department;
- notify the municipal police department of an escape if the offender resided within the incorporated municipality prior to being committed to custody;
- register offenders living within the jurisdiction (including, among other things, the person's name, address, employer, Social Security number, photograph, and fingerprints) annually for at least 10 years;
- send a copy of the registration to the DPSCS within three working days;
- upon written request send a copy of the registration to any person; and
- upon receipt of notice that the offender will change residence, notify the local law enforcement agency in the jurisdiction in which the new residence will be located.

Fiscal Services advises that if implementation of this legislation is similar to the experience in other states, compliance with the registration requirements of this bill will be minimal, requiring potentially significant expenditures to arrest and defend violators. In addition, offenders are likely to migrate to areas where the local law enforcement agency would not have sufficient resources to enforce the law.

Department of Public Safety and Correctional Services: The department is required to:

- receive registrations from all local law enforcement agencies and maintain a central registry;
- reimburse local law enforcement agencies for registration costs; and
- conduct public education and awareness programs to inform the public of its ability to obtain information regarding sexually violent offenders under this law.

Assuming approximately 155 transactions annually for the first year and a \$20 per registration reimbursement rate for local law enforcement agencies, reimbursement costs would be approximately \$3,000 in fiscal 1997. These costs would grow dramatically in later years as sexually violent predators begin to be released from incarceration. By fiscal 2016 the DPSCS could be reimbursing local agencies for more than 7,000 registrations annually (\$140,000). In addition, the department would require additional equipment.

General fund expenditures would rise by an indeterminate amount for the public education and awareness program.

Criminal Penalties: Expenditures could increase under the bill's incarceration penalty due to more people being committed to a DOC facility and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1997 the average monthly cost per inmate is estimated at \$1,400. For illustrative purposes, under the bill's three-year maximum incarceration penalty, the average time served would be 18 months. Thus State costs could increase by \$25,200 for each person imprisoned under the bill.

Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1997 are estimated to range from \$10 to \$48 per inmate depending upon the jurisdiction.

**Local Revenues:** Revenues could increase for reimbursements for offender registrations, but these revenues would offset additional expenditures. The net effect would be zero.

Revenues could increase under the bill's monetary penalty provision for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

**Local Expenditures:**

Supervising Authorities: Under the provisions of the bill, local detention centers and the circuit courts qualify as "supervising authorities."

On the date that an offender is released from custody, granted probation before judgement, granted probation after judgment, granted a suspended sentence, placed on work release, or given any type of leave (e.g., special, family, or compassionate leave) the appropriate supervising authority is required to send the name, address, Social Security number, and a recent photograph of the person with a written description of the crime the person allegedly committed to the following:

- the local law enforcement authority in the jurisdiction in which the person will reside;
- the victim of the crime of which the person was accused;
- any witnesses who testified against the person; and
- anyone else designated by the State's Attorney that prosecuted the person.

The agency is also required to notify the above named people/entities as soon as possible if

the person escapes from custody and after the person is recaptured.

The agency must notify the offender of the bill's registration requirements. The agencies must maintain a signed statement acknowledging receipt of that notification. It is unknown how many people would be affected by these provisions, but the courts and detention centers would be responsible for maintaining these records for at least 10 years. Any increase in expenditures would depend upon the number of people affected and cannot be reliably estimated at this time.

Fiscal Services advises that the DPSCS maintains records on these offenders and may be able to provide notification services to local governments at a lower cost than the individual agencies. In addition, the DOC has established a central office to handle notification so that the victims, witnesses and others do not have to keep track of where the offender is. If DPSCS acted as a central point of contact for the victims it would be easier for the victims, witness, and others and cost savings could result from economies of scale. In any case, any increase in notification is not likely to be significant for several years as most people convicted of these offenses receive substantial sentences.

Local Law Enforcement Agencies: Under the provisions of the bill, county police departments of Sheriff's Offices could be a "local law enforcement agency". These agencies are required to:

- notify the municipal police department of the residence of an offender if the person will live in an incorporated municipality with a police department;
- notify the municipal police department of an escape if the offender resided within the incorporated municipality prior to being committed to custody;
- register offenders living within the jurisdiction (including, among other things, the person's name, address, employer, Social Security number, photograph and fingerprints) annually for 10 years;
- send a copy of the registration to the DPSCS within three working days;
- upon written request send a copy of the registration to any person; and
- upon receipt of notice that the offender will change residence, notify the local law enforcement agency in the jurisdiction in which the new residence will be located.

Local law enforcement agencies are reimbursed for the cost of registration under the bill, but

all other costs, such as notification of individuals and maintaining requests for notification, would be borne by the local subdivision.

Fiscal Services advises that if implementation of this legislation is similar to the experience in other states, compliance with the registration requirements of this bill will be minimal, requiring a potential significant expenditure to arrest and prosecute violators. In addition, offenders are likely to migrate to areas where the local law enforcement agency would not have sufficient resources to enforce the law.

Expenditures could increase as a result of the bill's incarceration penalty depending upon the number of convictions and sentences imposed. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$20 to \$96 per inmate in fiscal 1996.

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**Information Source(s):** Department of Public Safety and Correctional Services (Division of Correction, Division of Pretrial Detention and Services); Department of State Police; Baltimore City; Cities of Indian Head and Rising Sun; National Conference of State Legislatures; Department of Fiscal Services

**Fiscal Note History:** First Reader - March 1, 1996  
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