

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 342 (Delegates Dembrow and Doory)
Judiciary

Referred to Judicial Proceedings

Child Sexual Offenders - Registration

This enrolled bill requires specified supervising authorities to notify the Department of Public Safety and Correctional Services (DPSCS) of the release of child sexual offenders under current provisions relating to registration of child sexual offenders. The bill also shifts primary responsibility for certain release notifications from local law enforcement agencies to DPSCS, expands that responsibility, and allows DPSCS to add other persons to the notification list.

A local law enforcement agency and DPSCS may not release the identity of a victim of an offense that requires registration. A disclosure under these provisions may not be construed to limit or prohibit any other disclosure legally permitted or required. The bill specifics the contents of a registration statement and requires DPSCS to provide local law enforcement agencies with the completed registration form and the child offender's photograph and fingerprints. Within five days of receiving conviction data and fingerprints, DPSCS must transmit this information to the FBI.

DPSCS must release information concerning registration statements to the public in accordance with regulations established by the department.

Fiscal Summary

State Effect: Indeterminate effect on revenues and expenditures as discussed below.

Local Effect: None. The requirements of the bill can be handled with the existing budgeted resources of local law enforcement agencies. (See below.)

Small Business Effect: None. The bill would not directly affect small businesses.

Fiscal Analysis

State Effect: Under the federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, states must register offenders who are released after conviction of specified criminal offenses against a minor or sexually violent offenses. If offender registration is not in effect by federal fiscal year 1998, the State would lose 10% of its Byrne Memorial Grant funding. In fiscal 1998 the State expects to receive \$9.3 million in Byrne funding.

However, the Department of Public Safety and Correctional Services (DPSCS) believes that this bill would not bring Maryland into full compliance with the Wetterling Act and subsequent U.S. Department of Justice guidelines. DPSCS reports that this is due, in part, to the bill's deficiency in specifying all the crimes against minors covered by Wetterling. Although it is unclear as to what the federal reaction to this bill would actually be, if the State were to be found in noncompliance with Wetterling, and a waiver was not granted, 10% of Byrne funding (\$930,000) would be lost.

The Data Services Division of DPSCS already maintains a central registry of child sexual offenders. While this bill would add to the workload of the division, its immediate requirements can be handled with existing budgeted resources. However, future expenditure needs will depend upon the actual growth of registrations. These needs could include the creation of a registration and notification unit to handle an eventual annual release rate of an additional 570 child sexual offenders. At present there are only 55 child sexual offenders registered under current provisions.

If such a unit were to be established in accordance with the normal budgetary processes so as to begin in fiscal 2000, general fund expenditures could increase by an estimated \$432,372 in fiscal 2000. The estimate reflects the cost of hiring one Administrative Officer, One Administrative Specialist, three Office Clerks, and one Data Device Operator to operate and maintain the unit. It includes salaries, fringe benefits, one-time start-up costs for data processing analysis and redesign, and ongoing operating expenses relating to ongoing registrations.

For fiscal 2001, registration and notification unit costs are estimated to be approximately \$230,000 since the data system redesign and programming costs would be a one-time expense in fiscal 2000 only. Future year expenditures would reflect 3.5% annual salary increases as well as 3% employee turnover. Ongoing operating costs, including notification expenses, are expected to increase by 2% annually.

Local Effect: A limited survey of local jurisdictions provided a near consensus that although this bill could add to workload, its requirements can be handled with the existing budgeted resources of local law enforcement agencies. The one exception is Montgomery County which advises that the bill would require the county police to hire five additional records clerks and one evening shift supervisor, to purchase a computer, and to incur mailing costs for a total additional initial expenditure of \$222,130. The county believes that these costs are necessary to maintain an around the clock record staff operation, seven days a week.

The Department of Fiscal Services advises that this need is not credible since this bill shifts primary notification responsibilities from the local jurisdictions to DPSCS and only minimally alters other existing provisions relating to child sexual offender registration provisions. In fact, the county has provided the identical fiscal estimate on other bills concerning sexual offenders regardless of their provisions to local law enforcement responsibilities.

Information Source(s): Department of Public Safety and Correctional Services (Data Services Division, Parole Commission, Division of Parole and Probation, Patuxent Institution); Montgomery County; Allegany County; Talbot County; Baltimore City; Department of Health and Mental Hygiene; Department of Fiscal Services

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Analysis by: Guy G. Cherry
Reviewed by: John Rixey

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 841-3710
(301) 858-3710