

Department of Legislative Services
 Maryland General Assembly
 2000 Session

FISCAL NOTE

Senate Bill 590 (Senator Stone)

Judicial Proceedings

Crimes - Sexual Offenders - Notification

This bill expands the individuals and entities to which the Department of Public Safety and Correctional Services (DPSCS) and local law enforcement agencies are required to provide notice of sexual offender registration statements by including registered child care providers, condominium and homeowner associations, private and parochial school principals, and property management companies.

Fiscal Summary

State Effect: General fund expenditures would increase by \$156,100 in FY 2001. Revenues would not be affected. Out-year costs reflect annualization and inflation. Revenues would not be affected.

(in dollars)	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
GF Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditures	156,100	160,900	163,600	166,500	169,400
Net Effect	(\$156,100)	(\$160,900)	(\$163,600)	(\$166,500)	(\$169,400)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - =indeterminate effect

Local Effect: Local government units responsible for sexual offender notifications may experience some additional costs, including personnel costs. Revenues would not be affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal. Any out-sourcing of printing or mailing costs to small businesses are not expected to have a significant impact on those businesses.

Analysis

Current Law: Maryland's Megan's Law is codified in Article 27, § 792. The following classifications of offenders are registrants subject to the State's Megan's law: (1) "child sexual offender;" (2) "offender;" (3) "sexually violent offender;" and (4) "sexually violent predator." A conviction includes a finding of not criminally responsible or, if the court orders registration, a probation before judgment. The registration requirements also apply to individuals convicted of similar offenses in other jurisdictions if they move to, work in, or go to school in the State. The Information Technology and Communication Division of DPSCS is the State's central repository for all sexual offender registrations.

Sexual offenders must register annually for ten years. Child sexual offenders and sexually violent offenders are required to register annually for: (a) ten years; or (b) life if convicted of rape or a felony sexual offense or if convicted for a second violation. Sexually violent predators must register every 90 days for life. All offenders and predators must immediately provide any changes of address or employment.

A designated law enforcement agency in each county must provide notice of child sexual offenders to county superintendents of schools, who must then make appropriate notifications to school principals. Otherwise, such law enforcement agencies or DPSCS are required to provide information on sexual offender registrations only upon written request.

Background: The current registration list of all sexual offenders contains about 800 names, statewide.

State Expenditures: General fund expenditures could increase by an estimated \$156,073 in fiscal 2001, which accounts for the bill's October 1, 2000 effective date. This estimate reflects the cost of hiring one clerk to coordinate and handle the additional printing and mailings required under the bill. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- there are 1,113 private and parochial schools in the State;
- there are 14,083 registered family child care providers;
- there are 1,479 condominiums registered with the Secretary of State;
- there are estimated to be about 2,400 homeowner associations;
- there are estimated to be about 1,200 property management companies;
- required registration notifications by DPSCS would be provided quarterly;

and

- State Use Industries would be employed to handle DPSCS' printing and mailings at cost (@ \$1.62 per mailing).

Salaries and Fringe Benefits	\$20,508
Notification Printing and Mailing Costs	131,220
Operating Expenses	<u>4,345</u>
Total FY 2001 State Expenditures	\$156,073

Future year expenditures reflect (1) full salaries with 4.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

However, it should be noted that any significant growth in the number of registrations, or any of the entities required to be notified, could drive these costs higher. As the Department of Legislated Services (DLS) noted in a 1999 study of notifications (*Megan's Law: A Report on Notifications Under Maryland's Crimes Against Children and Sexual Offender Registration Law*), "the future registrants who have been sentenced to stiffer incarceration penalties (for the more serious offenses) since the expansion of the registry in 1997 are still in prison and will not be released for at least another three to five years. While most of these persons will be required to register annually for ten years, some will now be required to register annually for life. This inevitably will increase all costs associated with the registration program."

Local Expenditures: A brief survey of local jurisdictions on the effects of this bill by DLS has elicited the following information:

Baltimore City - All current notifications are handled by a contractual clerical person. This bill would require the hiring of an additional contractual clerk at about \$30,000 annually, and would require one-time computer equipment costs. All other costs relating to production and mailings could be absorbed within existing budgeted resources.

Kent County - The bill would have a minor impact for additional postage costs and reallocation of workplace time for current personnel.

Prince George's County - While this bill would increase staff time devoted to notifications, the bill's requirements could be handled within existing resources.

Washington County - The bill would require the hiring of an additional full-time clerical staff person at about \$31,000 annually.

Worcester County - The bill would require some unquantified additional staff time and administrative expenses.

Montgomery County - The bill would require the police department to hire three additional police officers and four administrative aides at a cost of approximately \$320,400 in fiscal 2001, and an additional \$76,500 in fiscal 2002 because the new police officer would be “eligible” for vehicles.

While DLS cannot reliably verify the need for all such local costs, especially those for Montgomery County, it is assumed that this bill would necessitate some additional expenditures for local governments, especially in those jurisdictions with relatively high numbers of offenders registered. DLS also notes that the apparent disparity in estimated costs among jurisdictions is probably attributable to the extent to which each jurisdiction already provides for more expansive notifications than is required under current law. A detailed table of current notification levels for 1998 and 1999 statewide (as taken from the 1999 report, cited above) is attached as **Exhibit 1**.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Information Technology and Communications Division), Baltimore City, Kent County, Montgomery County, Prince George’s County, Washington County, Worcester County, Department of Legislative Services

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Exhibit 1
Statements and Unrequested Notifications
By Jurisdiction
FY 1998 and FY 1999*

Written Requests

Written Requests

	for Registration Statements <u>FY 1998</u>	Unrequested Notifications <u>FY 1998</u>	for Registration Statements <u>FY 1999*</u>	Unrequested Notifications <u>FY 1999*</u>
Allegany	4	3	5	0
Anne Arundel	12	260	10	312
Baltimore City**	85	108	50	45
Baltimore County	51	5,300	87	5,700
Calvert		DID NOT RESPOND TO SURVEY		
Caroline	0	0	0	0
Carroll	2	16	2	6
Cecil	1	0	1	4
Charles	0	0	4	0
Dorchester	0	0	0	0
Frederick	10	0	20	0
Garrett	2	0	0	0
Harford	23	25	12	25
Howard	121	0	26	0
Kent	2	1	2	1
Montgomery	48	46	47	85
Prince George's	25	2,954	152	5,728
Queen Anne's	2	7	0	1
St. Mary's	0	22	0	44
Somerset	0	0	0	0
Talbot	1	0	3	0
Washington	0	5	0	8
Wicomico	15	162	3	27
Worcester	<u>7</u>	<u>13</u>	<u>22</u>	<u>13</u>
Statewide Total	411	8,922	446	11,999

*Fiscal 1999 is an incomplete fiscal year, but will generally represent a period from July 1, 1998, through May 1, 1999.

**Baltimore City's records are kept by calendar year. The 1999 data on requests and notifications reflect data for less than one-half of the year.

Source: Department of Legislative Services
