

Department of Legislative Services
 Maryland General Assembly
 2001 Session

FISCAL NOTE
Revised

House Bill 393 (Delegates Dembrow and Elliott)

Judiciary

Judicial Proceedings

Criminal Procedure - Sex Offender Registration - Retroactive Application

This bill requires State sex offender registration provisions to be applied retroactively if the offender is convicted of an offense committed before July 1, 1997 and is in the custody of a supervising agency on October 1, 2001. Current law requires the registration of: (1) all child sex offenders convicted on or after October 1, 1995; and (2) all other sex offenders to whom the registration requirements apply who were convicted on or after July 1, 1997.

In addition, the bill provides for these requirements to be severable.

Fiscal Summary

State Effect: One-time general fund expenditure increase of \$5,100 in FY 2002. Revenues would not be affected.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	5,100	0	0	0	0
Net Effect	(\$5,100)	\$0	\$0	\$0	\$0

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

Local Effect: The fiscal impact of this bill on units of local government responsible for sexual offender registrations may vary depending on the location of offenders required to register under this bill.

Small Business Effect: None.

Analysis

Current Law: Maryland's Megan's Law is codified in Article 27, Section 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 the Department of Public Safety and Correctional Services (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 only required to provide information on sexual offender registrations upon written request.

Background: The current registration list of all sexual offenders contains about 1,300 names, statewide.

State Expenditures: There are estimated to be 1,250 persons currently in the custody of the Division of Parole and Probation who could be subject to this bill's retroactive sexual offender registration requirements. The number of persons in the custody of other State supervising agencies who would be subject to this retroactive registration requirement is unknown, but is assumed to be small. It is also estimated that approximately 200-350 persons will be released during fiscal 2001 who would also be subject to the retroactive registration requirement. The number of additional registrations added by this bill annually would decline over time.

The Information Technology and Communications Division (ITCD) maintains the State's central registry of sexual offenders. ITCD estimates that the registration of the 1,250 individuals referred to above would take about six weeks and would require additional resources. Accordingly, general fund expenditures would increase by \$5,122 for the

hiring of two contractual clerks for six weeks beginning October 1, 2000. This amount includes contractual salaries, fringe benefits, and incidental operating expenses.

It is assumed that the requirements of this bill can be handled with the existing budgeted resources of any other State entity serving as a supervising agency for sexual offenders.

Local Expenditures: The number of persons in the custody of each local supervising agency who would be subject to this retroactive registration requirement is unknown, but it is assumed to be relatively small. It is noted that Worcester County believes that the requirements of this bill would necessitate the hiring of one additional part-time administrative clerk at an annual cost of about \$8,000. However, all other jurisdictions surveyed by the Department of Legislative Services reported that the bill's requirements could be handled with existing budgeted resources.

Additional Information

Prior Introductions: Similar bills were introduced during the 2000 and 1999 sessions. HB 601 in 2000 and HB 720 in 1999 each received an unfavorable report from the Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services (Information Technology and Communications Division, Division of Parole and Probation, Division of Correction); Department of State Police; Kent, Montgomery, Prince George's, Washington, and Worcester counties; Department of Legislative Services

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