

Department of Legislative Services  
Maryland General Assembly  
2002 Session

FISCAL NOTE

House Bill 1284

(Delegate Hecht, *et al.*)

Judiciary

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Sexual Offender - Registration - Psychological Evaluation

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This bill requires that a person who has committed a crime for which the person must register on the sexual offender registry, upon being released on probation, parole, or mandatory supervision, must undergo a psychological evaluation and complete any treatment program ordered as a result of the evaluation. The bill provides that failure to undergo the evaluation or treatment ordered violates a condition of probation, parole, or mandatory supervision.

In addition, the bill shortens the time frames within which some persons required to register must do so.

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Fiscal Summary

**State Effect:** General fund expenditures by the Department of Health and Mental Hygiene could increase by \$23,750 to \$132,000 annually for psychological evaluations only. This does not include potentially significant treatment program costs.

**Local Effect:** Local health departments would not likely bear any of the public health system costs cited above, including treatment program costs. However, operational difficulties could arise from the bill's changes to registration time frames.

**Small Business Effect:** Potential meaningful. The extent to which private sector resources might be used for evaluations or treatment is unknown and would likely depend on the affordability and availability of services, and the insurance coverage of registrants. It is assumed that such additional business for private sector service offerers who are small businesses could be meaningful.

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## Analysis

**Bill Summary:** The bill makes the following changes to registration time frames associated with registering with the supervision authority:

- if the registrant moves into the State, within 48 hours, rather than 7 days, after the earlier of the date that the registrant: (1) establishes a temporary or permanent residence in the State; or (2) applies for a driver's license in the State; or
- if the registrant is not a resident, within 48 hours, rather than 14 days, after the registrant begins employment in the State or registers as a student in the State.

The bill makes the following additional changes in registration requirements applicable to a child sexual offender:

- a child sexual offender must also register in person with the local law enforcement unit of the county where the child sexual offender will reside: (1) within 48 hours, rather than 7 days, after release, if the child sexual offender is a resident; or (2) within 48 hours, rather than 7 days, after registering with the supervising authority, if the registrant is moving into this State; and
- a child sexual offender who is not a resident and who works or attends school in Maryland must also register in person with the local law enforcement unit of the county where the child sexual offender will work or attend school within 48 hours, rather than 7 days, after registering with the supervising authority.

Finally, the bill provides that a registrant who changes residences must send written notice of the change to the Department of Public Safety and Correctional Services (DPSCS) within 48 hours, rather than 7 days, after the change occurs.

**Current Law:** Maryland has four categories of persons convicted of sexual offenses: (1) a child sexual offender; (2) an offender; (3) a sexually violent offender; and (4) a sexually violent predator.

Sexual offenders are required to register with the Crimes Against Children and Sexual Offender Registry for a term of either ten years or life depending on the offense. An offender and a sexually violent offender must register annually. A sexually violent predator must register every 90 days. Lifetime registration is required for: (1) persons determined to be sexually violent predators; (2) persons convicted of first or second

degree rape or first, second, or third degree sexual offense; and (3) recidivist offenders previously required to register.

The “supervising authority” for a sexual offender who must register means:

- the Secretary of Public Safety and Correctional Services, if the registrant is in the custody of a correctional facility operated by DPSCS;
- the administrator of a local correctional facility, if the registrant, including a participant in a home detention program, is in the custody of the local correctional facility;
- with an exception of circumstances involving the Division of Parole and Probation, the court that granted the probation or suspended sentence if the registrant is granted probation before judgment, probation after judgment, or a suspended sentence;
- the Director of the Patuxent Institution, if the registrant is in the custody of the Patuxent Institution;
- the Secretary of Health and Mental Hygiene, if the registrant is in the custody of a facility operated by that department;
- the court in which the registrant was convicted, if the registrant’s sentence does not include a term of imprisonment;
- the Secretary of Public Safety and Correctional Services, if the registrant is in the State under terms and conditions of the applicable interstate compact governing out-of-state supervision;
- the Secretary of Public Safety and Correctional Services, if the registrant moves to Maryland and was convicted in another state of a crime that would require the registrant to register if the crime was committed in this State;
- the Secretary of Public Safety and Correctional Services, if the registrant moves to Maryland from another state where the registrant was required to register;
- the Secretary of Public Safety and Correctional Services, if the registrant is not a resident of this State; or
- the Director of Parole and Probation, if the registrant is under the supervision of the division.

A registration statement is required to include: (1) the registrant’s name and address; (2) for certain registrants from another state, the registrant’s place of employment; or for certain out-of-state registrants, the registrant’s place of educational institution or school enrollment; (3) a description of the crime for which the registrant was convicted; (4) the date that the registrant was convicted; (5) the jurisdiction in which the registrant was

convicted; (6) a list of any aliases that the registrant has used; (7) the registrant's Social Security number; and (8) the registrant's signature and date signed. If the registrant is a sexually violent predator, the registration statement must also include: (1) identifying factors including a physical description; (2) anticipated future residence if known at the time of registration; (3) offense history; and (4) documentation of treatment received for a mental abnormality or personality disorder.

A registrant is required to register with the supervising authority within the following time frames:

- if the registrant is a "resident," on or before the date that the registrant: (1) is released; (2) is granted probation before judgment; (3) is granted probation after judgment; (4) is granted a suspended sentence; or (5) receives a sentence that does not include a term of imprisonment;
- if the registrant moves into the State, within 7 days after the earlier of the date that the registrant: (1) establishes a temporary or permanent residence in the State; or (2) applies for a driver's license in the State; or
- if the registrant is not a resident, within 14 days after the registrant begins employment in the State or registers as a student in the State.

A child sexual offender must also register in person with the local law enforcement unit of the county where the child sexual offender will reside: (1) within seven days after release, if the child sexual offender is a resident; or (2) within seven days after registering with the supervising authority, if the registrant is moving into this State. Within seven days after registering with the supervising authority, a child sexual offender who is not a resident and who works or attends school in Maryland must also register in person with the local law enforcement unit of the county where the child sexual offender will work or attend school.

A child sexual offender may be required to give to the local law enforcement unit more information than required under the statute. A registrant who changes residences must send written notice of the change to DPSCS within seven days after the change occurs.

**Background:** Maryland first enacted sexual offender registration legislation under the federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program during the 1995 session (Chapter 142 of 1995). Because the federal statute has been amended and because there have been updates and changes to federal regulations, State laws underwent revisions in 1997 (Chapter 754) and 1998 (Chapters 473 and 521). In 1999, lifetime registration was extended to individuals

convicted of aggravated or subsequent offenses. Maryland was among 14 states found in 2001 not to be in full compliance with federal standards and guidelines. Legislation has been introduced in the 2002 session to bring the State into full compliance.

**State Fiscal Effect:** It is estimated that there are currently 250 to 300 new registrants for the State's sexual offender registry each year. Beginning in fiscal 2005, new registrants will be somewhat offset by the ten-year registrants (from 1995) who would no longer be required to provide registration information.

Accordingly, until fiscal 2005 it is assumed that 250 to 300 persons annually would be subject to a psychological evaluation as a condition of parole, mandatory supervision release, or probation. It is not known how many persons would be required to undergo follow-up treatment. In addition, because the bill does not specify who would perform the evaluations or provide treatment, it is also unknown how often public health system resources might be tapped.

The Mental Hygiene Administration advises that in the public health system, a typical reimbursement for a diagnostic evaluation is \$95, and a reimbursement for testing is \$440. Accordingly, if all new registrants were to seek evaluation/testing services at local health departments across the State, the costs for those services alone could range from \$23,750 (250 persons x \$95) to \$132,000 (300 persons x \$440). Potential costs associated with treatment programs resulting from the evaluations cannot be reliably quantified, but represent additional costs that may fall upon the public health system and could be significant.

**Local Fiscal Effect:** The extent to which locally subsidized public health system resources would be used for evaluation or treatment programs required under this bill cannot be reliably predicted or quantified. While local health departments are supported in part by the State, it is assumed that costs for evaluations and treatment resulting from this bill would be fully paid by State monies.

However, the bill's changes to registration time frames could be problematic in terms of enforcement, which falls to local law enforcement units. Except for certain employment or educational circumstances involving a registrant who is not a State resident, a person is given seven days from release to register with local law enforcement. Shortening that period to 48 hours would likely lead to more instances of a failure to timely register by the registrant and a resultant increased use of local law enforcement resources. Such an increase in local operational resources cannot be reliably quantified.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Correction, Patuxent Institution, Maryland Parole Commission), Department of Legislative Services

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