

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

House Bill 304

(The Speaker, *et al.*)

(By Request – Administration)

Judiciary

---

Sexual Offender Compliance and Enforcement in Maryland Act

---

This Administration bill alters and adds provisions relating to sexual offenders.

---

Fiscal Summary

**State Effect:** Although there are currently about 4,400 persons registered with the Maryland sex offender registry, it is unknown how many of those persons (or subsequent registrants) would be actually subject to the more costly requirements of this bill. In any event, while the overall costs stemming from the bill are not readily quantifiable, and could be limited by discretionary authority accorded to the Parole Commission, they could eventually become significant and will include new costs for the Division of Correction (DOC), the Division of Parole and Probation (DPP), and the Office of the Public Defender – as well as additional costs associated with increased registrations. Initial costs for DPP reflect the agency's intent to limit the use of newer supervision methodologies to a pilot program of 100 persons within a limited geographic area. Any expense reimbursements for members of the Sexual Offender Advisory Board and staffing costs for the Department of Public Safety and Correctional Services (DPSCS) and the Department of Health and Mental Hygiene (DHMH) are assumed to be minimal and absorbable within existing budgeted resources.

**Local Effect:** Minimal.

**Small Business Effect:** A small business impact statement was not provided by the Administration in time for inclusion in this fiscal note. A revised fiscal note will be issued when the Administration's assessment becomes available.

---

## Analysis

**Bill Summary:** This bill requires that a person sentenced for the following offenses, committed on or after October 1, 2006, must remain in legal custody (on parole) for the longer of 20 years or the expiration of the individual's full, undiminished term:

- first or second degree rape;
- attempted first or second degree rape;
- first, second, or third degree sexual offense;
- attempted first or second degree sexual offense;
- continuing course of conduct with child; and
- sexual abuse of a minor.

The bill makes the same requirements applicable to: (1) individuals sentenced for the same offenses, committed on or after October 1, 2006, and being released on a mandatory supervision release; or (2) receiving probation under certain provisions limiting a court's authority to issue probation after judgment to certain sexual offenders for up to 20 years or for life (discussed below).

After consideration of any statement made to the commission by a victim (including a victim impact statement), the Parole Commission must determine on the record whether any of the following conditions of parole will be ordered: (1) supervision by electronic monitoring, possibly including the use of a Global Positioning Satellite (GPS) system; (2) periodic polygraph examinations; or (3) that the parolee not work or reside within 500 feet of an elementary or secondary school. This provision is not limited to persons who commit offenses on or after October 1, 2006.

Under the bill, an inmate may not receive diminution credit for the time between parole release and a revocation of parole if the inmate was serving a sentence for a violation of one of the offenses cited above when parole was revoked and the parole was revoked for one of the following findings: (1) commission of a violent crime while on parole; (2) committed third or fourth degree sexual offense, a violation of continuing course of conduct with a child, sodomy, unnatural or perverted sexual practice, incest, sexual solicitation of a minor, or sexual abuse of a minor; or (3) violating specified existing provisions relating to registration with the Crimes Against Children and Sexual Offender Registry or new provisions barring a registrant from knowingly entering certain real property.

The bill expands the crimes of first degree rape and first degree sexual offense to include any circumstance when the victim is under 16 years of age, requires the imposition of a

term of life imprisonment, subject to certain existing provisions relating to limits on probation after judgment. Subject to the same limitations, if a person is convicted of the existing prohibition against first degree rape or first degree sexual offense during a child kidnapping, the court must impose a sentence of life imprisonment if not imposing a sentence of life without the possibility of parole.

Under existing provisions relating to limits on probation after judgment, the bill provides that a court may order probation for a time longer than a defendant's sentence for a defendant convicted of sexual abuse of a minor or, when the victim was a minor, of the following offenses:

- second degree rape;
- attempted first or second degree rape;
- second or third degree sexual offense;
- attempted first or second degree sexual offense; or
- continuing course of conduct with a child.

The defendant must consent in writing, and the probation is limited to 20 years, regardless of whether ordered in a circuit court or the District Court.

The bill also provides that, if a court suspends all or part of a sentence for first degree rape or sexual offense, when the offense also involves child kidnapping or a victim under 16 years of age, the court must order probation for life. For certain offenders receiving probation after judgment under provisions limiting a court's authority to issue probation after judgment to certain sexual offenders for up to 20 years or for life, after consideration of any statement by a victim (including a victim impact statement), the court must determine on the record whether any of the following conditions of probation will be ordered: (1) supervision by electronic monitoring, possibly including the use of GPS; (2) periodic polygraph examinations; or (3) that the parolee not work or reside within 500 feet of an elementary or secondary school.

The bill provides that the registration of a person in the Crimes Against Children and Sexual Offender Registry is a reportable event under provisions governing the Criminal Justice Information System (CJIS) Central Repository. The bill requires a person to register with the local law enforcement unit, rather than the person's supervising authority. The bill changes registration deadlines, including for required re-registrations, from within seven days to within five days of the triggering event. The bill also modifies registration notification requirements for a supervising authority and a local law enforcement unit. DPSCS must reimburse local law enforcement units, rather than supervising authorities, for the cost of processing registration statements, including the cost of taking fingerprints and photographs.

Under provisions relating to the term of registration, the bill requires all persons required to register to do so in person and eliminates the provision that offenders must register in person annually on or before January 1. The photograph that must be included with a registration is required to be updated at least once a year.

A sexually violent offender and an offender must register every six months from the originally required registration date. The bill alters registration requirements applicable to a child sex offender and a sexually violent predator so that such offenders must register every three months from the originally required registration date. A person may register up to 30 days in advance.

An offender with no prior convictions for a crime with registration requirements, or a similar law of another state or the U.S., must register for 20 years. A local law enforcement unit must obtain a DNA sample from any registrant who has not already done so under applicable provisions of the Public Safety Article. The sample must be provided to the statewide DNA database system of the State Police Crime Laboratory.

The bill specifically requires that, if a registrant who was required to register before October 1, 2006, has not submitted a DNA sample for inclusion in the statewide DNA database system, at the next registration of the registrant, a local law enforcement unit must: (1) obtain a DNA sample from the registrant; and (2) provide the sample to the statewide DNA database system.

The bill eliminates a certain provision relating to verification forms that must be mailed annually by DPSCS.

With specified exceptions, the bill prohibits a registrant from knowingly entering on real property used for elementary or secondary education or on which a registered family day care home or a licensed child care home or institution is located. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$5,000.

The bill grants exclusive original jurisdiction to the District Court for adult cases involving a failure to register with the State sexual offender registry or for knowingly providing false information when registering.

The bill creates the Sexual Offender Advisory Board in DPSCS to review: (1) technology for the tracking of offenders; (2) the effectiveness of sexual offender provisions in State law; (3) laws in other states and jurisdictions; (4) practices and procedures of the Parole Commission and DPP relating to sexual offenders; and (5) developments and assessments of such offenders. The board must annually report its

findings and recommendations to the Governor and the General Assembly by the end of the calendar year. DPSCS and DHMH are required to provide staff to the board. Each unit of State and local government must cooperate with the board.

**Current Law:** Generally, a person convicted of a sex crime or other specified crime in Maryland, including kidnapping and false imprisonment, is required to register with the State sex offender registry upon release from prison or release from court if the person did not receive a prison sentence. Offenders who are required to register in other states and who come to Maryland are required to register upon entering Maryland. Offenders from other states who may not be required to register in the home state are required to register in Maryland if the crime would have required registration in Maryland if committed in Maryland. Juveniles who are adjudicated as adults and convicted for crimes that require registration are included in the registry. Juveniles who are adjudicated delinquent for these crimes through the juvenile court system are not included in the registry.

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.

“Sexually violent predator” means a person who: (1) is convicted of a sexually violent offense; and (2) has been determined to be at risk of committing another sexually violent offense. Also included under this definition are persons who are or were required to register every 90 days for life under the laws of another state or a federal, military, or Native American tribal jurisdiction.

Sexually violent offender means a person who: (1) has been convicted of a sexually violent offense; (2) has been convicted of an attempt to commit a sexually violent offense; or (3) has been convicted in another state or in a federal, military, or Native American tribal court of a crime that, if committed in this State, would constitute a sexually violent offense.

“Sexually violent offense” is defined as first or second degree rape; first, second, or third degree sexual offense; attempted rape or sexual offense; or assault with intent to commit first or second degree rape or first or second degree sexual offense as prohibited under Maryland’s criminal code on or before September 30, 1996. Also included under this definition are certain crimes that were committed in another state or in a federal, military, or Native American tribal jurisdiction.

Sexual offenders are required to register with the Crimes Against Children and Sexual Offender Registry for a term of either 10 years or life depending on the offense. The registry is operated by the Sexual Offender Registry unit of DPSCS. An offender and a

sexually violent offender must register annually. A sexually violent predator must register every 90 days. Under the State's sexual offender registration laws, a State's Attorney may request that a sexual offender be designated a sexually violent predator. Lifetime registration is required for: (1) sexually violent predators; (2) persons convicted of a sexually violent offense; (3) persons convicted of child abuse for commission of a sexual act involving penetration of a child under 12 years old; and (4) recidivist sexual offenders.

During the 2005 session, several bills were passed that affected these provisions:

- Chapter 236 added, under sex offender registration provisions, the court as the "supervising authority" when a sentence for the qualifying offense is modified to time served.
- Chapter 577: (1) required annual photographing of child sexual offenders and sexually violent predators; and (2) replaced the quarterly mail-in registration process for sexually violent predators with an in-person registration process. Under this enactment, a child sexual offender, an offender, and a sexually violent offender are required to register on or before January 1 annually and a sexually violent predator is required to register every 90 days on or before January 1, April 1, July 1, and October 1 annually.
- Chapter 578 made several substantive changes to these provisions, including: (1) providing for a graduated reentry release for registrants under the jurisdiction of the Department of Health and Mental Hygiene; (2) providing for a "transient" status of registrant; (3) adding "placement in home detention" to the definition of release; and (4) requiring notice of the location of employment for inmates placed on work release.

Chapter 217 of 2004 increased, from one to three years, the maximum incarceration penalty for a person convicted of a fourth degree sexual offense if the person was previously convicted of a sexual crime or sexual abuse of a minor. Chapter 458 of 2005 authorized a court to order probation for a time longer than a defendant's sentence for a defendant convicted of sexual abuse of a minor or, when the victim was a minor, of first or second degree rape or first, second, or third degree sexual offense, if the defendant consents in writing. The authorization is limited to 10 years if ordered in a circuit court or 6 years if ordered in the District Court.

DNA samples are collected at the correctional facility where the person is confined or at a facility designated by the Director of the Crime Laboratory for individuals on probation or not sentenced to imprisonment. Chapter 448 of 2005 authorized the collection of a DNA sample from a person convicted of a felony, fourth degree burglary, or breaking

HB 304 / Page 6

and entering into a vehicle at a suitable location in a circuit court at the time of sentencing.

**Background:** Across the country, cases in which registered sex offenders have failed to update their addresses and have gone on to commit heinous sexual crimes have prompted lawmakers in several states to examine the ways of accounting for these offenders. In 2005, there were two notorious cases of child abduction, molestation, and murder by previously convicted child sex offenders – one in Idaho and the other in Florida. The Florida case, involving a nine-year-old girl named Jessica Lunsford, has led that state to enact new legislation that:

- mandates a 25-year minimum mandatory term of imprisonment followed by lifetime supervision with electronic monitoring for persons convicted of lewd and lascivious molestation of a child under the age of 12 (there had been no lifetime supervision mandate);
- expands from 20 to 30 years the period of time before someone can petition to have the sexual predator designation removed;
- creates a new aggravating circumstance to qualify a sexual predator who commits a murder for a death sentence;
- retroactively requires the court to electronically monitor registered sex offenders and sexual predators whose victims were 15 years of age or younger and who violate their probation or community control and the court imposes a subsequent term of probation and community control; and
- prospectively mandates the court to order electronic monitoring for persons placed on probation or community control who are convicted or previously convicted of various unlawful sex acts against a child 15 years of age or younger or are registered sexual predators.

The U.S. Congress will consider the Children's Safety Act of 2005 (HR 3132) during 2006. This federal legislation would, in part:

- require the U.S. Attorney General to (1) maintain a national sex offender registry at the Federal Bureau of Investigation; (2) establish a sex offender management assistance program; and (3) authorize sex offender apprehension grants;
- amend (1) the DNA Identification Act of 1994 to expand the scope of DNA samples to be included in the Combined DNA Index System; and (2) the DNA Analysis Backlog Elimination Act of 2000 to authorize the Attorney General to collect DNA samples from individuals who are arrested or detained under U.S. authority;

- increase penalties for violent crimes against persons under age 18, including death or life imprisonment, if the crime results in the death of a person under that age, and increase penalties for sexual offenses against children;
- require background checks and checks of national crime information databases and state child abuse registries before approval of foster or adoptive placements; and
- establish (1) procedures for the civil commitment of sexually dangerous persons; and (2) mandatory minimum penalties for child sex trafficking.

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. State sex offender registration laws have been amended and updated several times to remain in compliance with federal regulations and guidelines.

According to DPSCS, 4,335 offenders are currently included in the Maryland sex offender registry. About 500 to 600 new offenders are added on an annual basis. The majority of offenders in the registry are required to continue registering for life.

Over the summer of 2005, the Governor ordered a police check across the State on more than 400 sex offenders who reportedly had moved to Maryland but had not registered. The Associated Press reported that, under this Sex Offenders Compliance and Enforcement initiative, of the 403 sought, 69 sex offenders were found and ordered to register immediately; 130 were determined to be living outside Maryland; 104 were incarcerated in federal or state prisons; 5 were dead; 7 remained under investigation; and for another 88, there was no information to show they had moved to Maryland.

In addition, during the 2004 session, a task force was established to study the use of global positioning systems and investigate the feasibility of outfitting sex offenders and other violent criminals with global positioning anklets, which would keep track of their whereabouts at all times. The final report by the task force (submitted on December 31, 2005) recommended that:

- GPS technology be utilized on persons that are a high risk to public safety and when location is of a primary concern;
- a pilot program and study, funded by State general funds and focused on the sex offender population, be conducted by DPSCS to determine the strengths and weaknesses of the emerging technology in this geographically diverse State, and to test recent risk assessment instruments used to determine which offenders should be selected, and to determine overall outcomes such as recidivism;



- collaborative and cooperative procedures giving law enforcement access to GPS data and allowing input from law enforcement in GPS's use for particular individuals be a fundamental consideration in the design of any GPS monitoring strategy;
- GPS tracking should be prescribed by DPP when it is determined that it would be beneficial as part of a supervision modality using standardized risk assessment instruments;
- DPSCS monitor the Children's Safety Act of 2005 in the U.S. Congress.

The task force also recommends that the State institutionalize the task force to:

- monitor a pilot program;
- recommend other populations for GPS deployment;
- advise DPP on the pilot program;
- study promising and emerging practices;
- study GPS use with other populations, including domestic violence populations; and
- monitor the availability of federal funding.

Maryland's Attorney General has also unveiled a plan for extended parole supervision for sexual offenders, including the possible use of GPS systems (SB 1/HB 4).

**State Fiscal Effect:** DPSCS has provided limited information to Legislative Services on this bill. **Some of this information is not consistent with information provided on similar matters in other bills introduced during this session.** In general, the estimates provided by these DPSCS units for this bill are significantly lower than some of these other earlier estimates. For instance, for other bills introduced this session addressing GPS monitoring of sexual offenders, DPP advised that a staffing level of 42 persons would be needed for GPS related investigations and monitoring of every 400 offenders tracked under the system. For this bill, DPP estimates a need of only four enforcement officers for a pilot program of 100 offenders. This caveat should apply to all of the following information provided by units of DPSCS.

#### *Maryland Parole Commission*

According to the Maryland Parole Commission, general fund expenditures could increase by an estimated \$63,862 in fiscal 2007, which accounts for the bill's October 1, 2006 effective date. This estimate reflects the cost of hiring one office clerk and one office secretary to process the files and paperwork needed to review cases "on the record" and issue the necessary special condition orders for the standing populations and new

convictions. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$59,797
Other Operating Expenses	<u>4,065</u>
<b>Total FY 2007 MPC Expenditures</b>	<b>\$63,862</b>

Future year expenditures reflect: (1) full salaries with 4.6% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

General fund expenditures could also increase for the commission by an estimated \$277,801 in fiscal 2009. This estimate by the commission reflects the cost of hiring one parole commissioner and one hearing officer to address the anticipated need for preliminary and parole revocation hearings for the covered population, as well as any other reviews “on the record” based on the increases in the qualifying offenders. One additional office secretary and office clerk would also be necessary for the support of the increases in reviews and associated revocation activity. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. These salaries would also be expected to increase by 4.6% annually, with 1% annual increases in ongoing operating expenses.

#### *Division of Correction*

DOC currently receives approximately 300 inmates per year with a sexually violent offense conviction. Under current law, these individuals currently receive an average sentence of about 12 years and can be expected to serve about 8 years of the sentence in confinement and 4 years under the supervision of DPP upon release. Under this bill, these persons would be subject to an additional 16 years of community supervision. The number of affected individuals in local jails is unknown. These individuals are not expected to be affected under this bill.

DPSCS believes that it is reasonable to expect that a revocation of parole or mandatory release for these persons while serving the extended supervision period required under the bill could range from 30% to 70%, or 90 to 210 persons, annually. However, because the extended supervision requirement is applied only to persons whose offense was committed on or after October 1, 2006, such an effect would not be felt until for 12 years (during fiscal 2019).

The bill’s provisions prohibiting, under certain circumstances, the earning of diminution credit for the time between parole release and a revocation of parole (“street time”) would also increase incarcerations for DOC by an unknown amount.

The bill's provisions requiring, with some limitations, the imposition of life imprisonment for the crimes of first degree rape or first degree sexual offense if the victim is under 16 (including under circumstances involving child kidnapping) would also tend to increase incarceration costs for DOC. The division has a current annual intake of about 30 persons convicted of these offenses. About five of these persons have been sentenced for life. The age of the victims of these crimes is not included in the DOC database.

In addition, the bill's provisions providing stiffer penalties for violations of the State's sexual offender registration provisions, and creating new crimes relating to restrictions of movement by these offenders, would also tend to increase incarceration costs for DOC.

In any event, persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,974 per month. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$341 per month. Excluding medical care, the average variable costs total \$134 per month.

#### *Division of Parole and Probation*

According to DPP, the additional supervision of sex offenders under the provisions of the bill would be done via a GPS pilot program of up to 100 registered offenders who will have been paroled or released on a mandatory supervision release and who also live in the Central Home Detention Unit (CHDU) "catchment area," which includes Baltimore City, Baltimore County, Southern Harford County, and Northern Anne Arundel County. DPP believes that these jurisdictions provide a sufficient urban and suburban geographic diversity to allow the GPS system to be tested. DPP advises that the agency would select individuals determined to be high-risk offenders for participation in the GPS pilot. According to DPP, the pilot would focus on high-risk offenders for whom location is a significant factor for recidivism. Standardized risk and mental health assessment tools would be used to identify the high risk offenders.

DPP would contract with a GPS tracking service provider in fiscal 2007 in order to lease equipment and procure software for notification, investigation, and tracking. New policies and procedures for the electronic monitoring unit of CHDU would be required. Additional staff would be needed to assist agents with GPS surveillance, investigate reported violations, and collaborate with local police to seek assistance in investigating violations.

General fund expenditures for the pilot program for DPP could increase by an estimated \$753,879 in fiscal 2007, which accounts for the bill's October 1, 2006 effective date. This estimate reflects the cost of hiring four contractual enforcement officers to operate

investigations and monitoring functions under the program. It includes salaries, fringe benefits, and other operating expenses for a one-year program.

Salaries and Fringe Benefits	\$215,243
GPS System Contract	365,000
Four Vehicles (purchase)	120,000
Other Operating Expenses	<u>53,636</u>
<b>Total FY 2007 DPP Expenditures</b>	<b>\$753,879</b>

DPP provided no information on future year costs or on assessment methodologies for the pilot program. The Department of Legislative Services (DLS) assumes that future year costs (beyond a pilot program) would occur and may have to be adapted to the ability of DPP and the Parole Commission to handle the tracking and monitoring of greater numbers of offenders. Normal budget requests and processes would likely address these needs.

DLS assumes that DPP would need to create a new unit specifically to handle this bill's offender supervision requirements statewide beyond fiscal 2007. In addition, some training costs would also be needed for agents regarding the management and tracking of sexual offenders (including, perhaps, the contractual enforcement officers in fiscal 2007).

#### *Sex Offender Registrations*

DPSCS advises that reimbursements to local law enforcement units for costs associated with processing the registration statements of registrants, including the cost of taking fingerprints and photographs, would be charged to the Information Technology and Communications Division (ITCD) through CJIS. According to ITCD, reimbursement is currently offered to supervising authorities, which are frequently an agency within DPSCS.

Because there are about 170 local law enforcement units in Maryland, ITCD believes that the reimbursement requirement will pose increased operational and fiscal responsibility due to the number of local law enforcement units in the State who may apply. ITCD estimates that approximately 14,800 registrations may need to be processed in fiscal 2007. This is based on the bill's requirements for four registrations per year for each child sex offender and sexually violent predator and two registrations per year for each offender and sexually violent offender. ITCD did not quantify these reimbursement costs. Funds for the provision of cameras to local units have already been allocated in fiscal 2006.

The bill also requires the State registry to provide certain victim/witness notifications, which is currently done by a variety of supervising authorities. The bill allows for witnesses and other individuals to receive registration statements upon request. In addition, the registry would be required to send a registration statement to a victim who files a notification request with a State's Attorney.

The registry currently processes 400 – 500 new registrations annually. ITCD advises that much of the current communication regarding offenders is done electronically. ITCD believes that the bill would require an additional workload for the registry and additional postage costs of about \$500 per year.

#### *The Judiciary*

The Administrative Office of the Courts advises that this bill would only have a significant operational or fiscal effect on the courts if the bill's requirement for units of State and local government to cooperate with the Sexual Offender Advisory Board led to such impacts. A court is not a supervising authority if the offender is under the supervision of DPP.

#### *Office of the Public Defender*

Although it can be expected that this bill will lead to additional costs and responsibilities for the Public Defender primarily related to revocation hearings, those costs cannot be readily estimated at this time, but could be significant.

#### *Maryland State Police*

The bill's requirements would be handled with existing budgeted resources.

**Local Fiscal Effect:** This bill should not have any significant fiscal impact on prosecutors. Any additional costs for local law enforcement units are expected to be largely offset by reimbursements from DPSCS for the cost of processing registration statements, including the cost of taking fingerprints and photographs. Such costs would likely vary by jurisdiction. However, because the reimbursement provision does not include costs relating to the required collection of additional DNA samples by local law enforcement units, in some instances additional new costs may involve additional personnel.

To the extent that any of the bill's provisions lead to additional local incarcerations (for new crimes or additional restrictions on parolees), local incarceration expenditures could increase. 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 \$33 to \$119 per inmate in fiscal 2007.

**Additional Comments:** According to a 2000 study for the Bureau of Justice statistics, sexual offenses are seldom committed by strangers. For all female victims, only 15% of attacks were by a stranger (25% were by a family member and 60% were by an acquaintance). For juvenile female victims, 7.5% were by a stranger. For all male victims, only 7.3% of attacks were by a stranger. For juvenile male victims, the percentage of sex offenses by strangers is 5%.

The following sections of the federal Children's Safety Act now being considered by the U.S. Senate, if passed, could have cost abatement implications for this bill:

- Section 130. Demonstration Project for Use of Electronic Monitoring Devices – authorizes the Attorney General to make grants to a maximum of 10 jurisdictions to institute programs to electronically monitor sex offenders. This demonstration project is slated for fiscal 2007, 2008, and 2009 and targets a variety of approaches to monitoring to ensure an assessment of effectiveness. Additionally, an assessment component is designed to address the cost effectiveness of electronic monitoring to reduce sex offenses compared to other alternatives.
- Section 131. Bonus Payments to States that Implement Electronic Monitoring – allows the Attorney General to make bonus payments to states that have enacted electronic monitoring laws and policies regarding sex offenders whose victims were under the age of 18. For eligibility, the states must have active monitoring of the individual for life if the victim was under 12 years of age or if the person has a prior sex conviction as federally defined in *18 USC 3559(e)*. For all other offenders, the electronic monitoring period must be for the period of supervision. The states must still demonstrate that their laws and policies ensure that sex offenders subject to electronic monitoring continue to be frequently monitored.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 237 (The President, *et al.*)(By Request – Administration) – Judicial Proceedings.

**Information Source(s):** Judiciary (Administrative Office of the Courts), State's Attorneys Association, Department of Public Safety and Correctional Services (Parole Commission, Division of Correction, Division of Parole and Probation, Information Technology and Communications Division, Division Pretrial Detention and Services), Office of the Public Defender, Department of State Police, National Conference of State Legislatures, Florida Office of Public Policy and Government Analysis, Allegany County, Prince George's County, Montgomery County, Talbot County, City of Laurel, Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2006  
ncs/jr

---

Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510