

Department of Legislative Services
Maryland General Assembly
2006 Special Session

FISCAL AND POLICY NOTE

Senate Bill 4 (The President)
(By Request – Administration)

Judicial Proceedings

Sexual Offenders - Supervision, Notifications, and Penalties

This emergency Administration bill provides for extended parole supervision for sexual offenders subject to State lifetime registration requirements and makes other related changes to provisions applicable to sexual offenders.

Fiscal Summary

State Effect: Costs for FY 2007 reflect the hiring of one training officer by the Division of Parole and Probation and one-time costs for the Department of Health and Mental Hygiene. Reimbursement costs to local law enforcement units for community notifications, beginning in FY 2007, cannot be reliably estimated at this time. General fund expenditure increase of \$7.82 million in FY 2009, not including potentially significant costs for the Division of Correction and the Office of the Public Defender. Future year costs reflect inflation and program growth (estimated at 475 offenders per year). Revenues would not be affected.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	60,000	61,600	7,816,300	15,122,900	22,631,100
Net Effect	(\$60,000)	(\$61,600)	(\$7,816,300)	(\$15,122,900)	(\$22,631,100)

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

Local Effect: Additional costs related to new registration and notification requirements, which may vary by jurisdiction. **This bill may impose a mandate on a unit of local government.**

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:

Extended Parole Supervision

The bill provides that:

- a sentence for a defendant for a violation requiring registration as a child sex offender, a sexually violent offender, or a sexually violent predator must include a term of extended sexual offender parole supervision; and
- a term of extended sexual offender parole supervision for a defendant sentenced on or after July 1, 2006 must: (1) be from three years to life; and (2) begin on the expiration of the later of any term of imprisonment, probation, parole, or mandatory supervision.

The Maryland Parole Commission is required to: (1) establish conditions of parole and extended parole supervision that set out specific conditions of supervision; (2) hear and adjudicate cases of violation; and (3) impose sanctions for violations, including additional restrictive conditions and/or imprisonment for up to two years. The bill specifies some conditions that may be included with an extended sexual offender supervision agreement and allows for an agreement to include provisions for GPS monitoring, polygraph examinations, and sex offender treatment services. Specific conditions of an agreement must be based on a risk assessment and classification that has been conducted for the registrant and begin at the commencement of the registrant's regular probation, parole, or mandatory release. Specific conditions may include prohibiting a registrant from contacting specific individuals or categories of individuals.

A registrant may file a petition for discharge from such extended supervision after serving at least three years of the supervision; the Parole Commission must hear and adjudicate the discharge petition. If a petition is denied, a new petition may not be filed for a minimum of one year. The Parole Commission is required to appoint an administrator to coordinate these requirements.

Under the supervision of the Division of Parole and Probation (DPP), a sexual offender management team (SOMT) must conduct extended sexual offender supervision and

supervise the probation, parole, or mandatory release of a registrant subject to such supervision. A team must submit progress reports on each registrant to the Parole Commission every six months. Copies of each progress report must be provided to the local law enforcement unit of the registrant's county of residence or where a nonresident sexual offender will work or attend school.

The bill gives a judge the discretion to impose extended sexual offender parole in the case of a defendant whose conviction is for third degree sexual offense based upon a circumstance of statutory rape. The Parole Commission is required to establish, by regulation, constitutionally compliant notice and hearing procedures applicable to the imposition of sanctions for extended sexual offender parole supervision violations and petitions for discharge from extended sexual offender parole supervision.

The bill creates a Sexual Offender Advisory Board in DPSCS, staffed by DPSCS and DHMH, to:

- review technology for the tracking of sexual offenders;
- review the effectiveness of the State's laws concerning such offenders;
- review practices and procedures of the Parole Commission and DPP;
- review developments in treatment and assessment; and
- develop standards for conditions of extended supervision based on current and evolving best practices.

Each unit of State and local government must cooperate with the board. The board must report its findings and recommendations to the Governor and the General Assembly by June 30 of each year, beginning in 2008.

Treatment

DHMH must develop standards for sex offender treatment based on current and evolving best practices, certify sex offender treatment programs that are in compliance with standards, and report to the board on these matters. DPP must provide training for sexual offender management teams and report on that training to the board.

Registration

The bill requires all categories of sexual offenders to register in person with a local law enforcement unit rather than the person's supervising authority. A supervising authority must obtain specified information from each registrant and notify the registrant of the duty to register, within five days, with the local law enforcement unit of the county where the registrant will reside, be employed, or attend school. The bill provides registration

requirements applicable to nonresident registrants, transients, offenders who are students or employees in the State, or changes of residence by a registrant.

The list of offenses that trigger the requirement to register as a child sex offender is expanded by adding attempted rape, attempted sexual offense in the first or second degree, continuing course of conduct against a child, sodomy, unnatural and perverted sex acts, incest, and sexual solicitation of a minor. Each category of sex offender is required to register in person and provide an updated photograph at least once each year. Sexually violent offenders and offenders must register every six months, and sexually violent predators and child sex offenders every three months. The minimum term of registration is increased from 10 to 20 years. All repeat offenders must register for life. All registrants on the registry are required to provide a DNA sample, if they have not already done so. The bill also makes the initial registration of a person on the sex offender registry a reportable event for the Criminal Justice Information System (CJIS).

Community Notification

The bill makes various changes to current law community notification provisions including requiring that notice be given to private schools in addition to public schools, and allowing local law enforcement agencies to provide notice to child care and recreation facilities, faith institutions, and other organizations that serve children and other individuals vulnerable to child sexual offenders. The bill eliminates a certain annual mail verification process involving DPSCS and local law enforcement units.

Procedures for community notification must contain certain elements. DPSCS is required to adopt regulations regarding the factors a local law enforcement unit must consider in determining the scope and manner of such a notification that best serve the interests of justice, community safety, and availability of resources to local law enforcement. The bill requires DPSCS to reimburse local law enforcement units, rather than supervising authorities, for the costs of processing registration statements.

The bill requires that information about registration statements include, in plain language, a description of the defender's crime that is the basis of the sexual offender registration. DPSCS, through an Internet posting of current registrants, must allow the public to electronically transmit information about a registrant to the department, a registrant's parole and probation agent, and the appropriate local law enforcement unit. DPSCS must make available to certain county residents the option of receiving electronic mail notice of a registered offender's release from incarceration and the registration information of the offender. DPSCS is required to establish regulations to carry out these provisions.

Penalties

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 provides that an inmate may not receive credit for time between release on parole or mandatory supervision and revocation of parole or mandatory supervision if the inmate was serving a sentence for a sexual offense and the parole or mandatory supervision was revoked because the inmate committed a violent crime, a sexual offense, a failure to register as a sexual offender, or the new offense of improper entry on school or day care property while on parole or mandatory supervision.

The bill requires, when the victim is under age 13, a mandatory minimum, nonparolable nonsuspendable 25-year sentence for a person at least 18 years old convicted of first degree rape or first degree sexual offense. A similar 15-year sentence is required under the same circumstances for second degree rape or second degree sexual offense.

The District Court is given concurrent jurisdiction over the crime of failure to register as a sex offender. The bill elevates this crime from a misdemeanor to a felony, and increases the applicable maximum penalties from imprisonment for three years and/or a fine of \$5,000 to imprisonment for five years and/or a fine of \$10,000.

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 (SOR) 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 enacted 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.

A conviction for first degree rape or first degree sexual offense generally carries a maximum penalty of life imprisonment. A conviction for child kidnapping along with first degree rape or first degree sexual offense, where the victim is a child under the age of 16 years, carries a maximum penalty of life imprisonment without the possibility of parole.

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 is in the process of considering the Children's Safety Act of 2005 (HR 3132). The bill has been passed by the House of Representatives and the Senate has passed a similar bill (S 1086). The 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.

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 the Division of Parole and Probation 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 the Division of Parole and Probation 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.

During the 2006 regular session, a total of 54 bills were introduced in the subject area of sexual offenses, including major initiatives that originated in the Governor's Office and the Office of the Attorney General. Although the bills on this subject varied in content, including provisions for stiffer sentencing and the potential civil commitment of sexual predators, two omnibus bills emerged incorporating features of several of the introductions. The primary focus of the omnibus bills was toward extended supervision of offenders, using tools such as GPS tracking, and changes in notification and registration requirements for the State's sex offender registry.

State Expenditures: There are some inherent difficulties in assessing the fiscal impact of this bill: (1) the extended supervision applies only to persons sentenced for the underlying violation on or after the bill's effective date; and (2) the number of persons who would receive extended supervision terms for a shorter (three-year) or longer (up to life) period of time cannot be reliably predicted. In addition, the extent to which courts will exercise the discretion to require extended supervision for certain persons convicted once for a third degree sexual offense cannot be reliably predicted.

In any case, it is known that the number of persons in the sex offender registry in the categories covered under the bill has, in recent years, grown by about 475 persons annually. Based on this, several State agencies would experience significant needs for additional resources.

Sex Offender Registry

According to the Department of Public Safety and Correctional Services (DPSCS), most registrations are now done by mail. The increased frequency of the registrations, the extension of some registrations for 20 years instead of 10 years, as well as the bill's in-person requirement, may provide some operational difficulties for DPSCS and local law enforcement agencies both immediately and over time. It is assumed that such future difficulties, if any discernable costs are attached, could be addressed by DPSCS via normal operating budget processes beginning in fiscal 2008. In addition, the bill eliminates some current verifications done by mail.

Since current law already requires a DNA sample from all persons with felony convictions, it is not anticipated that the provisions requiring some additional DNA collections by supervising authorities will have a significant impact on a supervision authority. However, according to the Administrative Office of the Courts, the most significant impact of this change would affect the courts (which continue to be the supervising authority for some persons) and which do not now have any operational experience with collecting DNA samples.

Maryland Parole Commission

Under the bill, the Parole Commission must: (1) establish conditions of extended sex offender supervision that set out specific conditions of supervision; (2) hear and adjudicate cases of violation; and (3) impose sanctions for violations.

Requiring the Parole Commission to base the extended supervision agreements on risk assessments and classifications may increase costs for the commission. While there is a risk assessment instrument already available to the commission, and it has no cost attached to its use, the commission now determines the extent of use on a case-by-case

basis. Extending its use to all supervision agreements may require additional resources for the commission, including personnel. However, the commission was unable to quantify those costs.

After a minimum of three years of supervision, the offender may petition for discharge. If denied by the commission, the offender may renew the request on an annual basis. The request must include: (1) a risk assessment conducted by a certified sexual offender treatment provider, and (2) a recommendation as to discharge from a SOMT. As a result, the Parole Commission, beginning in fiscal 2009, would likely begin to enter agreements for extended sex offender supervision.

Accordingly, general fund expenditures could increase by an estimated \$311,437 in fiscal 2009. This estimate reflects the cost of hiring one Parole Commissioner, one administrator, one hearing officer, and one office secretary to initiate extended sex offender supervision agreements for about 475 offenders per year, hear and adjudicate cases of violation, and impose sanctions. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	4
Salaries and Fringe Benefits	\$282,366
Travel	12,000
Other Operating Expenses	<u>17,071</u>
Parole Commission FY 2009 Expenditures	\$311,437

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.

Any expense reimbursements for members of the Sexual Offender Advisory Board and related staffing costs for the Parole Commission are assumed to be minimal and absorbable within existing budgeted resources. The promulgation of new regulations by the commission should be able to be handled with existing budgeted resources.

The commission also advises that, in a possible scenario when the defendant/registrant is given probation, or a “split sentence” when the probation exceeds the period of parole or mandatory release supervision before the period of special supervision begins, there is a question as to who would administer the enforcement of special conditions since the commission does not believe that it has legal authority to do so. If an offender is given probation instead of incarceration, the commission would not have conducted a risk assessment, it is assumed that it would need to be done by DPP. The commission advises

that the same would apply for a probation following a nonparolable offense or local incarceration where the offender was never seen by or referred to the commission.

Division of Parole and Probation

DPP advises that an agent to supervisee ratio for persons with extended sex offender supervision would need to be 1:25. This is due to the need to establish and operate sexual offender management teams, with possible use of polygraph examinations, GPS tracking, and sex offender treatment costs.

It is estimated that the number of sex offenders who will be subject to extended supervision for a minimum of three years could be as many as 475 in fiscal 2009 and grow by about 475 each year. Accordingly, DPP would need to add 19 new field agents, plus adequate supervisory agents, per year beginning in 2009. Polygraph examinations would cost about \$300 per exam; GPS tracking has basic costs of about \$10 per day per offender; and treatment costs are estimated at about \$4,500 per year per offender.

Requiring DPP to provide training for sex offender management teams will require the hiring of a training officer in fiscal 2007 at a cost, including salary and fringes, of about \$45,000, which reflects the October 1, 2006 effective date of the bill. This cost (as annualized) would increase to about \$73,000 by fiscal 2011.

General fund expenditures for DPP could also increase by an estimated \$7,370,781 in fiscal 2009. This estimate reflects the cost of hiring 19 field agents, 3 supervisory field agents, and 3 office secretaries to provide extended sex offender supervision for about 475 additional offenders; supervise sexual offender management teams; and (when necessary) administer polygraph exams, direct offenders to treatment, and track offenders with GPS technology. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	25
Salaries and Fringe Benefits	\$1,166,697
Testing, Treatment, and Tracking Costs	5,890,000
Other Operating Expenses	<u>314,084</u>
DPP FY 2009 Expenditures	\$7,370,781

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

The extent to which courts will exercise the discretion to require extended supervision for certain persons convicted once for a third degree sexual offense cannot be reliably predicted. Of the approximately 4,800 persons now in the sex offender registry, about 1,200 are there for having committed (once) any third degree sexual offense. Depending on the actual use of this judicial discretion, this change would tend to drive costs upward for both the Parole Commission and the Division of Parole and Probation, because there could be more persons who would require the extended supervision.

In addition, DPP notes that the representative of a certified sex offender treatment provider is the only member of a sex offender management team from the private sector. It is assumed that this participation would give rise to additional costs, but it is difficult to quantify those costs without knowing the certification processes for treatment programs, and standards, that must be developed by DHMH. Such costs could be billed by a private provider at \$150 per hour or more.

The bill's provisions for "specific conditions" for supervisees (such as geographic conditions and GPS monitoring) to begin "at the commencement of the registrant's regular probation, parole, or mandatory supervision" is problematic to assess for fiscal impact. Even if this is only intended to authorize such specific conditions for supervisees, and not the creation of sex offender management teams and actual extended parole supervision, it could move some costs associated with the conditions forward to fiscal 2007. However, the potential for such an earlier impact cannot be readily determined within the time frame available for the formulation of this estimate.

Division of Correction

The following provisions would tend to increase incarceration costs over time for the Division of Correction:

- requiring, when the victim is under age 13, a mandatory minimum, nonsuspendable 25 year sentence for a person convicted of first degree rape, sexual offense, or 15-year sentence for second degree rape or sexual offense;
- changing diminution credit earning potential and parole and probation revocation provisions; and
- creating a new misdemeanor (associated with registrations) with maximum penalties of imprisonment for five years and/or a fine of \$5,000.

In any event, although these costs cannot be readily estimated without any actual experience under the bill, 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. This bill alone, however, should not create

the need for additional beds, personnel, or facilities. 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.

Information Technology and Communications Division

The Criminal Justice Information System (CJIS) is operated under the management of this division (ITCD). ITCD advises that:

- The bill's provisions requiring registrations in person every 3 months would pose some operational, policy, and fiscal implications for CJIS. According to ITCD, it equates to approximately 5000 in-person registrations per year, and it is unclear as to where the re-registrations would occur and how investigations of noncompliance would be done. However, the agency was unable to quantify the cost of this impact;
- Without knowing what community notification procedures a local law enforcement unit would use and the establishment of guidelines, policies and procedures, the effect of requiring reimbursement to local authorities for the reasonable costs of notification cannot be readily determined at this time;
- ITCD advises that there could be additional costs associated with gathering and providing on the current website a description of the defender's crime that is the basis of the sexual offender registration. Currently the offenders are grouped into the four categories and placed on the web site;
- The bill's requirement allowing the public to electronically transmit information to CJIS, DPSCS, or a DPP agent and a local law enforcement unit is currently being done, and has no additional costs; and
- ITCD is already implementing a procedure whereby members of the public who live in the county in which the registrant is to reside or where the registrant, if not a resident of the state, is a transient or will work or attend school, will be allowed by request to receive electronic mail notification of the release from incarceration of a registered offender. (The first year costs including set up and annual fee is \$161,000, with annual maintenance fee of \$98,500 annually.)

Department of Health and Mental Hygiene

DHMH is required to • develop standards for sexual offender treatment based on current and evolving best practices; • certify sexual offender treatment programs; and • report to the Sexual Offender Advisory Board specified information. DHMH advises that the Office of Health Care Quality (OHCQ), serving as the licensing agent for the Mental Hygiene Administration (MHA), would have the responsibility to develop the standards and to certify sexual offender treatment programs. However, OHCQ reports that,

because there are no existing recognized national standards for sexual offender treatment programs, MHA would need to convene a diverse panel of experts in the field of sexual disorder treatment to set standards for Maryland.

MHA would have to contract with consultants with expertise in the area of sexual offender treatment to develop the required standards. MHA estimates that such a contract would involve a one-time cost of \$10,000 – \$20,000 in fiscal 2007 only.

Once the standards are established, OHCQ would have to certify sexual offender treatment programs. However, because it is unknown how many programs would apply to become certified sexual offender treatment programs, DHMH could not readily quantify the potential costs associated with the certifications at this time.

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 and the increased complexity of trials with a child victim under the age of 13 due to mandatory minimum sentencing provisions, those costs cannot be readily estimated at this time, but could be significant.

Local Fiscal Effect: The increased frequency of the registrations, the extension of some registrations for 20 years instead of 10 years, as well as the bill's in-person requirement, may provide some operational difficulties for local law enforcement agencies both immediately and over time. Attendant costs for local law enforcement units may vary by location and addressed to differing degrees. The bill would likely result in some discernable new costs for units of local government.

Any additional incarceration costs for any jurisdiction would reflect the fact that 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 2006.

Additional Information

Prior Introductions: Similar bills were addressed during the 2006 regular session.

Cross File: HB 2 (The Speaker) (By Request – Administration) – Judiciary.

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