

Department of Legislative Services
 Maryland General Assembly
 2010 Session

FISCAL AND POLICY NOTE

House Bill 285 (Delegate Burns, *et al.*)
 Judiciary

Criminal Procedure - Sexual Offenders - Notice to Residents

This bill specifies that, as soon as possible but not later than 10 working days after receipt of a sexual offender registration statement, or after receipt of notice of a registrant’s change of address, the Department of Public Safety and Correctional Services (DPSCS) must send notice of the registration statement or change of address to each residence located within one mile of the registrant’s residence.

Fiscal Summary

State Effect: General fund expenditures increase by \$9.5 million in FY 2011. Future years reflect annualization and inflation. Revenues are not affected.

(in dollars)	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	9,474,200	12,761,800	12,903,200	13,046,900	13,192,800
Net Effect	(\$9,474,200)	(\$12,761,800)	(\$12,903,200)	(\$13,046,900)	(\$13,192,800)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: As soon as possible but not later than five working days after receiving a registration statement of a child sexual offender or notice of a change of address of a child sexual offender, a local law enforcement unit must send written notice of the registration statement or change of address to the county school superintendent and all

nonpublic primary and secondary schools in the county within one mile of where the child sexual offender is to reside or where a child sexual offender who is not a resident of the State is a transient or will work or attend school.

As soon as possible but not later than 10 working days after receiving that notice from the local law enforcement unit, the county superintendent must send written notice of the registration statement to principals of the schools under the superintendent's supervision that the superintendent considers necessary to protect the students of a school from a child sexual offender.

A local law enforcement unit that receives a notice from a registrant's supervising authority must send a copy of the notice to the police department, if any, of a municipal corporation if the registrant:

- is to reside in the municipal corporation after release;
- escapes from a facility but resided in the municipal corporation before being committed to the custody of a supervising authority; or
- is to change addresses to another place of residence within the municipal corporation.

As soon as possible but not later than five working days after receiving notice from a local law enforcement unit, a police department of a municipal corporation must send a copy of the notice to the commander of the local police precinct or district in which the child sexual offender is to reside or where a child sexual offender who is not a resident of the State will work or attend school.

As soon as possible but not later than five working days after receiving a notice from a supervising authority, a local law enforcement unit must send a copy of the notice to the commander of the law enforcement unit in the district or area in which the child sexual offender is to reside or where a child sexual offender who is not a resident of the State will work or attend school.

A local law enforcement unit may notify the following entities that are located within the community in which a child sexual offender is to reside or where a child sexual offender who is not a resident of the State will work or attend school of the filing of a registration statement or notice of change of address by the child sexual offender:

- registered or licensed family day care homes or child care centers;
- child recreation facilities;
- faith institutions; and
- other organizations that serve children and other individuals vulnerable to child sexual offenders.

As soon as possible but not later than five working days after receipt of notice of a registrant's change of address, DPSCS must give notice of the change:

- if the registration is premised on a conviction under federal, military, or Native American tribal law, to the designated federal unit; and
- to the local law enforcement unit in whose county the new residence is located, or if the new residence is in a different state that has a registration requirement, to the designated law enforcement unit in that state.

As soon as possible but not later than five working days after receipt of notice of commencement or termination of employment or enrollment at an institution of higher education, DPSCS must give notice to the campus police agency of the institution of higher education where the registrant is commencing or terminating enrollment or employment. If an institution of higher education does not have a campus police agency, the required notice must be provided to the local law enforcement agency having primary jurisdiction for the campus. Institutions of higher education currently required to disclose campus security policy and campus crime statistics data must advise the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. An institution of higher education is not prohibited from disclosing information provided to the institution under this subtitle concerning registered sex offenders.

Background: In January 2010, there were about 6,400 offenders in the State's sex offender registry, including some who are incarcerated. Of that number, approximately 5,300 are in the community. The top three jurisdictions for these offenders is Baltimore City (1,363 registrants), Prince George's County (718), and Baltimore County (650). However, because the statewide offender population tends to move frequently, there were approximately 5,870 address entries or reentries in the sex offender registry database in fiscal 2009.

State Expenditures: According to the U.S. Census Bureau, there are approximately 257,000 households in the 80 square miles that encompasses Baltimore City. This represents approximately 10,000 households in Baltimore City alone that would need to be notified under the bill for each initial registration or change of address. Legislative Services advises that the statewide notification requirements would likely be three times the requirements of Baltimore City.

General fund expenditures increase for the State's sex offender registry by \$9.5 million in fiscal 2011, which accounts for the bill's October 1, 2010 effective date. This estimate reflects the cost of hiring seven clerks to maintain and update residence mapping information statewide and to perform bulk rate mailings to residences within the one-mile

radius of the offender's new address. It includes salaries, fringe benefits, \$9.2 million in postage costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- approximately 120 initial registration or change address events will occur each week;
- as many as 10,000 residences could require notification for each such event; and
- residence mapping will be updated periodically.

Salaries and Fringe Benefits	\$248,120
Bulk Rate Postage	9,225,000
Office Supplies	<u>1,103</u>
Total FY 2011 State Expenditures	\$9,474,223

Future year expenditures reflect full salaries with 4.4% annual increases and 3% employee turnover; and 1% annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

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ncs/hlb

Analysis by: Guy G. Cherry

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