

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 288
Judiciary

(Delegate Smigiel, *et al.*)

Criminal Procedure - Child Sexual Offenders - Monitoring With Global Positioning Satellite Tracking Technology

This bill requires that on conviction for first or second degree rape or first or second degree sexual offense involving a minor victim, a person who has not previously been convicted of one of those offenses be monitored constantly with global positioning satellite (GPS) tracking technology during any periods of probation and parole. The bill also requires that, if a violator has such a prior conviction, the violator must be monitored constantly with global positioning satellite tracking technology for life and pay the costs of the monitoring.

Fiscal Summary

State Effect: Additional general fund GPS monitoring costs for the Division of Parole and Probation (DPP). Actual costs will depend on the number of people subject to temporary or lifetime tracking. Under one set of assumptions, general fund expenditures may increase by \$64,200 in FY 2011. Future year costs may include the need for additional personnel for DPP. Minimal impact on general fund revenues.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: GPS monitoring may be ordered by a court. Chapter 4 of the 2006 special session, which provided for extended supervision of certain sexual offenders also required the Parole Commission to enter into agreements with defendants that set out

specific conditions of supervision, which may include GPS monitoring and geographic restrictions on residence or presence. To date, no extended supervision agreements have been made.

Background: DPP had an intake of 196 persons for the covered offenses in fiscal 2009. Neither the Division of Correction nor DPP track the ages of the victim or previous offenses. Assuming that there is no need for additional monitoring personnel, passive GPS monitoring costs about \$5.50 per offender per day (\$2,000 per year) and active/constant monitoring costs about \$8.80 per offender per day (\$3,200 per year).

State Fiscal Effect: *For purposes of illustration only*, if 20 of the DPP annual intake for the covered offenses require constant GPS monitoring, and assuming the monitoring is handled with existing DPP personnel, general fund expenditures may increase by \$64,240 in fiscal 2011. Future year costs increase by that amount each year, assuming that intake numbers remain relatively constant. However, because the actual number of persons who would require constant GPS tracking for the duration of their parole or probation or for life, actual costs (including the possible need for additional monitoring personnel) may be significantly higher.

Any potential revenues from persons subject to lifetime GPS monitoring is expected to be minimal. Historically, DPP experiences a collection rate of only 30% to 35% from supervision fees.

Additional Information

Prior Introductions: None.

Cross File: SB 623 (Senator Jacobs, *et al.*) - Judicial Proceedings.

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

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mpc/hlb

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