

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2082-07
Bill No.: HCS for HB 999
Subject: Crimes and Punishment; Property, Real and Personal; Law Enforcement Officers and Agencies; Public Safety Department
Type: Original
Date: April 22, 2011

Bill Summary: This proposal revises the laws regarding sexual offender registration.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

In response to a previous version of this proposal, officials from the **Attorney General's Office** assumed that any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Department of Social Services** assume the proposal would not create a fiscal impact to their agency.

In response to a previous version of the proposal, officials from the **Office of Prosecution Services** assumed the proposal would not create a fiscal impact to their agency.

Officials from the **Department of Public Safety - Missouri Highway Patrol** state to be compliant with the Adam Walsh Act, the Patrol has received a grant to perform upgrades for the database registry; therefore, the Patrol anticipates no fiscal impact.

Officials from the **Department of Mental Health (DMH)** state by operating regulation, they monitor compliance of registered offenders (in its care and custody) with registration requirements. The reporting requirements contained in this bill will have an impact on DMH's workload, but should not present a financial impact that cannot be absorbed with existing resources.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases arising where indigent clients are faced with improper or not appropriately registration for sexual offenses. Clients facing the enhanced registration requirements will be more likely to go to trial - requiring more public defender time and resources.

Passage of bills increasing penalties on existing crimes, or creating new crimes, requires the State Public Defender System to further extend resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

ASSUMPTION (continued)

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Department of Corrections (DOC)** state reporting requirements for the DOC as outlined in this bill are not expected to have a fiscal impact. Due to the potential increase in the frequency of reporting there may be an increase in the number of offenders convicted of failing to register. In 2010, DOC admitted 62 offenders as a new admission for failing to register and 90 offenders with a new probation case.

Currently, the DOC cannot predict the number of new commitments which may result from the enhancement of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY10 average of \$16.397 per offender, per day, or an annual cost of \$5,985 per inmate) or through supervision provided by the Board of Probation and Parole (FY10 average of \$3.92 per offender, per day or an annual cost of \$1,431 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seventeen (17) persons would have to be incarcerated per each fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

In response to a previous version of this proposal, officials from the **Boone County Sheriff's Department** assumed the proposal will not create a fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
GENERAL REVENUE			
<u>Costs - Department of Corrections</u>			
Incarceration / Probation costs for offenders	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)

<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill changes the laws regarding sexual offender registration. In its main provisions, the bill:

(1) Specifies that any person required to register who is to be paroled, discharged, or released from any correctional facility, mental health institution, private jail, or other specified private facility and plans to reside in Missouri must be informed by the official in charge of his or her duty to register. The official in charge must complete the initial registration notification at least seven days prior to the offender's release and forward the registration, within three business days of release, to the patrol and the chief law enforcement official in the county where the person expects to reside upon discharge. If an offender refuses to complete and sign the registration information or fails to directly report to the county chief law enforcement official within three business days, it will constitute an offense of failure to register;

(2) Requires any person who is required to register and is released on probation, discharged upon payment of a fine, or released after confinement in a county jail to be informed, prior to release, by the court having jurisdiction of his or her possible duty to register. If the offender is placed on probation, the court must make it a condition of probation that the offender report to register within three business days. If the offender is not placed on probation, the court must complete the initial notification of duty to register form and forward it within three business days to the patrol and the chief law enforcement officer in the county where the offender resides if the offender resides in Missouri or where the offense was adjudicated if the offender does not reside in Missouri. If the offender resides outside Missouri, the court must direct the offender to proceed to the chief law enforcement officer in the county where the adjudication was heard to register. If the offender fails to complete these requirements or refuses to complete and sign the registration information, it will constitute an offense of failure to register;

FISCAL DESCRIPTION (continued)

(3) Requires any person not currently registered due to being adjudicated of a sexual offense prior to the initial enactment of state or federal registry legislation to register for his or her original offense if he or she is currently incarcerated or under supervision of the Department of Corrections for any crime or he or she is adjudicated for any felony offense. If the offender's original offense is not currently a crime, he or she will be classified as a Tier I, II, or III offender by determining which current crime is most comparable to the original offense

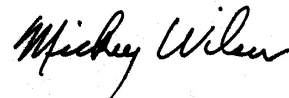
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Department of Mental Health
Department of Social Services
Office of the State Courts Administrator
Department of Corrections
Office of the Attorney General
Office of Prosecution Services
Office of the State Public Defender
Boone County Sheriff

NOT RESPONDING:

Buchanan County Sheriff's Department
Jackson County Sheriff's Department
St. Louis County Sheriff's Department



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Director
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