

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0193-01
Bill No.: HB 589
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies; Highway Patrol
Type: Original
Date: March 12, 2013

Bill Summary: This proposal changes the laws regarding sex offender registration.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Criminal Records	(\$119,000)	(\$7,073)	(\$7,249)
Total Estimated Net Effect on <u>Other</u> State Funds	(\$119,000)	(\$7,073)	(\$7,249)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Local Government	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state they will require both contractor and in-house programming efforts to comply with HB 589. The following is a breakdown of these changes and the resulting cost and man-hours for the Patrol:

150 hours - Discovery and Design
540 hours - Database Modifications and Reporting
150 hours - Website Feed Modifications
150 hours - Testing
200 hours - Project Management

The Patrol estimates that approximately 1,190 ($150 + 540 + 150 + 150 + 200 = 1,190$) consultant hours will be required at a rate of \$100 per hour ($1,190 \times \$100 = \$119,000$). In addition, there will be an annual maintenance cost of approximately \$6,900.

The Patrol estimates that approximately 440 in-house development hours will be needed for sex offender website and registry modifications to include tier level on offender details page, online identifiers search, original and most recent registration date, removal of certain residence types, removal of the offender's vehicle(s), status of offender's term of incarceration, probation or parole, repeat offender status, and to also create a separate registry which only law enforcement agencies shall have access. The Patrol believes this impact can be absorbed.

Officials from the **Office of the State Public Defender (SPD)** state although details differ, generally this proposed legislation is similar to 1292-02 (HB 462). Fewer persons will be on the registry, and therefore fewer persons will be at risk of failing to register. More persons will have registration as a condition of probation, and therefore more persons will be at risk of failing to probation. Like 1292-02, this may have a slight positive fiscal impact, but very slight, less than 1 one attorney position.

While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Office of the State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** state passage of his proposal would require the classification of sex offenders into Tier I, Tier II and Tier III Levels and puts a great deal of responsibility on the DOC in this process. Prior to January 1, 2014, the DOC would be responsible for the following:

1. Develop a Sex Offender Classification Form to be used by the DOC and courts to classify registered sex offenders. Currently MO State Highway Patrol (MSHP) and law enforcement officers (LEO) control the registry and determine who is required to register;
2. Develop a Tier III Offender's Packet to be used by DOC when it automatically classifies an offender as a Tier III sex offender;
3. Develop an Offender Pending Classification Packet to be used by all registering law enforcement officials;
4. Determine the maximum fee mental health professionals can charge for sex offender assessments even though DOC has no authority to tell a provider what they can or cannot charge a private individual;
5. Determine the qualifications mental health professionals must have to complete assessments for sex offenders;
6. Evaluate existing sex offender risk assessment tools and approve one or more such tools for use by mental health providers by January 1, 2015, and annually thereafter, assess the usefulness and accuracy of the tool;
7. Determine the necessary requirements for a successfully completed sex offender risk assessment report;
8. Provide department address on website to which petitions for classification can be sent;
9. Develop and implement a filing system to file and track petitions for classification which includes accompanying sex offender risk assessment to track time limits;
10. Accept and file for tracking and review purposes all petitions for classification, reclassification, petitions for removal and sex offender risk assessment reports;

ASSUMPTION (continued)

11. Review, on an annual basis, all sex offender risk assessments reports it receives under the provisions of sections to ensure mental health professionals are conducting quality assessments. If not, the DOC shall have the mental health professional removed from the provider list.

These requirements of the DOC will significantly increase workload for the DOC. It is unknown what divisions will be responsible for these responsibilities and how many staff or classification of positions required to implement and maintain this program.

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 (FY12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per inmate) or through supervision provided by the Board of Probation and Parole (FY12 average of \$4.960 per offender, per day, or an annual cost of \$1,810 per offender).

In summary, fiscal impact is unknown but considered to be significant, exceeding \$100,000, per each fiscal year.

Officials from the **Department of Mental Health, Department of Social Services,** and the **Office of the State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

In response to a similar proposal from this year (HB 462), officials from the **Boone County Sheriff's Office** stated there will be costs incurred for legal update training for two of our detectives responsible for administering our sex offender registry. Additional costs will be incurred for an increased caseload and time management if we become responsible for registering juvenile sex offenders as page 6 of the legislation indicates. Also, registration fees that are currently allowed to be collected by statute are unenforceable fees and therefore are not collected.

Officials from the Office of Prosecution Services did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE			
<u>Expense</u> - Department of Corrections			
Increased costs to administer the provisions in the bill	(More than <u>\$100,000</u>)	(More than <u>\$100,000</u>)	(More than <u>\$100,000</u>)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(More than <u>\$100,000</u>)	(More than <u>\$100,000</u>)	(More than <u>\$100,000</u>)
 CRIMINAL RECORDS			
<u>Costs</u> - Missouri Highway Patrol			
System modifications / annual maintenance	<u>(\$119,000)</u>	<u>(\$7,073)</u>	<u>(\$7,073)</u>
ESTIMATED NET EFFECT TO THE CRIMINAL RECORDS FUND	<u>(\$119,000)</u>	<u>(\$7,073)</u>	<u>(\$7,073)</u>
 FISCAL IMPACT - Local Government			
	FY 2014 (10 Mo.)	FY 2015	FY 2016
LOCAL POLITICAL SUBDIVISIONS			
<u>Costs</u> - Police Departments and/or Sheriffs Departments - training and other modifications to adhere to changes	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</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 and classification.

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 Corrections
Office of the State Courts Administrator
Department of Social Services
Office of Prosecution Services
Office of the State Public Defender
Boone County Sheriff Department

Not Responding:

Office of Prosecution Services



Ross Strope
Acting Director
March 12, 2013