

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 18, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB430 by Madden (Relating to the monitoring of certain high-risk sex offenders and to information concerning certain sex offenders.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB430, As Engrossed: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>STATE HIGHWAY FUND 6</i>	Probable (Cost) from <i>STATE HIGHWAY FUND 6</i>	Probable Savings/ (Cost) from <i>STATE HIGHWAY FUND 6</i>	Change in Number of State Employees from FY 2007
2008	\$9,198	(\$9,198)	(\$1,273,311)	8.0
2009	\$18,396	(\$18,396)	(\$1,201,537)	8.0
2010	\$27,594	(\$27,594)	(\$1,470,457)	8.0
2011	\$27,594	(\$27,594)	(\$1,591,321)	8.0
2012	\$27,594	(\$27,594)	(\$1,470,457)	8.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure and the Occupations Code as it relates to the monitoring of certain high-risk sex offenders.

The bill would add the Code of Criminal Procedure, Section 62.0531, Determination of Predatory Risk Level, which further defines the term “sexually predatory conduct”. The bill states in addition to assigning a numeric risk level under this section, before a person is subject to registration and described under this section on or after release is due to be released from a penal institution, the Texas Department of Criminal Justice (TDCJ) or the Texas Youth Commission, the Council on Sex Offender Treatment shall determine the predatory risk level of the person using the dynamic risk assessment tool developed or adopted by the council.

The bill would add the Code of Criminal Procedure, Section 62.063, Monitoring of Certain High-Risk Registrants, which further defines the term “monitoring system” and states that this new section only applies to a person released from a penal institution who is required to register under this chapter and who is not under the supervision and control of: a juvenile probation office, the Texas Youth Commission, a community supervision and corrections department or the TDCJ’s parole division, and has not been civilly committed. The bill states a person who is assigned a predatory risk level of high shall participate in the monitoring system. The person is required to participate in the program until the third anniversary of their release from a penal institution.

The bill states that the Department of Public Safety (DPS) shall implement and coordinate a monitoring system that tracks the location of persons subject to this article. The bill requires DPS to provide the following items to each local enforcement authority, designated as the primary registration authority under this section: monitoring equipment, authority to use the equipment to verify geographically verifiable information, and manufacturer or vendor training and technological support for the monitoring equipment. The monitoring system must track a person’s location and periodically provide a cumulative report of the tracked person’s location to DPS. The system does not have to be capable of tracking a person’s location in real time or provide real time reports of a person’s location to DPS.

Individuals who are required to participate in the monitoring system, except for people who are indigent, are responsible for the cost of the system. Monitored individuals shall pay monthly to the primary registration authority and DPS the amount both entities determine is necessary to defray the costs of operating the system during the previous month. DPS’ director shall adopt rules necessary to implement and coordinate the operating system. The bill includes the process and procedures for electronic mail reports to be sent to state legislators. The bill would apply only to a person who is released from a penal institution on or after January 1, 2008. The bill states DPS shall implement the monitoring system no later than January 1, 2008 and shall issue a request for proposal no later than September 15, 2007. The bill would take effect immediately if two-thirds of the House of Representatives and Senate members vote to enact the legislation. If it does not receive the vote necessary for immediate impact, the bill would take effect on September 1, 2007.

Methodology

The Department of Criminal Justice estimates 120 high risk registered sex offenders that would be required to participate in this program are released from the agency each year. Based on this estimate, the Department of Public Safety (DPS) assumes the following population that would be tracked by the new monitoring program: 120 people in 2008, 240 people in 2009, and 360 each year 2010 through 2012. This bill states that individuals who are required to participate in the monitoring system, except for people who are indigent, are responsible for the cost of the system. DPS estimates the cost of the monitoring system is \$1,533 per year per individual. DPS’ revenue estimate assumes that it is unlikely that all the offenders will pay the cost of the monitoring system. It is also difficult for DPS to project how many of these offenders will be determined to be indigent or when they might obtain gainful employment. DPS revenue estimate assumes approximately 5% of the offenders will comply and pay the fees. Under these assumptions, the bill would generate \$9,198 in State Highway Fund 6 (6 x \$1533) in 2008, \$18,396 in State Highway Fund 6 (12 x \$1533) in 2009, and \$27,594 in State Highway Fund 6 (18 x \$1533) in 2010 through 2012. It is assumed these revenues would be appropriated to DPS to pay for the administrative expenses of the monitoring program.

This analysis assumes that an additional 8 FTEs per year would be required to implement the provisions of the bill, including: 6 commissioned officers (sergeants) to monitor, enforce, and file criminal charges against individuals with non-compliance issues regarding sex offender registration and 2 support staff FTEs to provide analysis and assessment of sex offender activity and provide administrative support to the agents. The commissioned personnel, with the exception of the captain stationed in Austin, will be strategically placed throughout the state. The cost estimate also includes the necessary police equipment (including vehicles and state travel costs). Other operating expenses such as maintenance and repair of office machines and computer equipment, computer supplies, non-capital computer equipment, and furniture and equipment, are also included in the cost estimate.

The Department of State Health Services and the Department of Criminal Justice state that the provisions in the bill would have no significant fiscal impact to their agencies.

Technology

The analysis includes estimated technology costs for computers, printers, and enterprise agreements totaling \$47,280 in fiscal year 2008. Fiscal years 2009 through 2012 include a technology impact of \$1,192 per year for continued enterprise software agreements.

Local Government Impact

There would be costs to local law enforcement departments to monitor certain high risk sex offenders. These costs would depend on the number of offenders that are designated for the monitoring.

Harris County reported minimum costs of \$144,207 in fiscal year 2008 for personnel (one deputy and one clerk). These costs would rise to \$162,306 by fiscal year 2012. (This is assuming that the number of offenders grows at a constant pace and does not grow exponentially.) Denton County estimated initial costs of \$25,000 per year to monitor approximately 25 indigent offenders who would not be able to pay the monitoring fee.

There would be similar costs to other local law enforcement departments, depending on the number of designated offenders in their area.

Source Agencies: 405 Department of Public Safety, 537 State Health Services, Department of, 696
Department of Criminal Justice

LBB Staff: JOB, ES, GG, LG, KJG