

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 27, 2007**

**TO:** Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB3009** by Pierson (Relating to supervising, monitoring, and restricting the location of certain sex offenders.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3009, As Introduced: 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	\$45,990	(\$45,990)	(\$16,596,888)	94.0
2009	\$91,980	(\$91,980)	(\$10,783,232)	94.0
2010	\$137,970	(\$137,970)	(\$10,799,845)	94.0
2011	\$137,970	(\$137,970)	(\$12,528,909)	94.0
2012	\$137,970	(\$137,970)	(\$10,869,734)	94.0

**Fiscal Analysis**

The bill would amend the Occupations Code relating to sales of certain regulated materials and to the criminal penalties for violations relating to those sales.

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 program” 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 Department of Criminal Justice’s parole division, and has not been civilly committed. The bill states a person who is

assigned a level three risk 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 the Department of Public Safety (DPS) shall implement and operate a monitoring system that tracks sex offenders required to report under the Code of Criminal Procedure, Section 62.063 (b). DPS may consult with other state agencies or political subdivisions in implementing, operating, and maintaining the program. 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 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 DPS the amount the agency determines is necessary to defray the costs of operating the system during the previous month. DPS' director shall adopt rules necessary to implement, operate, and maintain the operating system.

The bill would also amend the Government Code to require as a condition of parole or mandatory supervision release, offenders whose offense was defined by Penal Code, Section 22.011 (c) and were assigned a numeric risk level of three, submit to electronic monitoring.

The bill would take effect on September 1, 2007.

## **Methodology**

The Department of Criminal Justice (TDCJ) estimates 600 high risk level three registered sex offenders 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 high-risk monitoring program: 600 people in 2008, 1,200 people in 2009, and 1,800 in fiscal years 2010 through 2012. The 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 to be \$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 percent of the offenders will comply and pay the fees. Under these assumptions, the bill would generate \$45,990 in State Highway Fund 6 (30 x \$1,533) in 2008, \$91,980 in State Highway Fund 6 (60 x \$1,533) in 2009, and \$137,970 in State Highway Fund 6 (90 x \$1,533) in fiscal years 2010 through 2012. It is assumed these revenues would be appropriated to DPS to pay for the administrative expenses of the high-risk monitoring program.

This analysis assumes that an additional 94 FTEs per year would be required to implement the provisions of the bill, including: 83 commissioned officers (72 sergeants, 10 lieutenants, and 1 captain) to monitor, enforce, and file criminal charges against individuals with non-compliance issues regarding sex offender registration and 11 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, with a concentration of a general 25 to 1 officer to monitored person ratio. In some areas of the state the ratio will be lower based on the location of the individuals being monitored. The cost estimate also includes the necessary police equipment (including vehicles and state travel costs).

DPS estimates that additional office space will be required to accommodate the additional personnel at an estimated lease cost of \$383,832 per year, which is also included in the cost estimate. 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 provision of the bill requiring electronic monitoring as a condition of parole or mandatory supervision for offenders assigned a numeric risk level of three and convicted of the offense of sexual assault is not expected to have a significant fiscal impact. The provision would apply to persons released on parole or mandatory supervision for an offense committed on or after September 1, 2007. Under current law and policy, individuals convicted of sexually violent offenses serve a very high

percentage of their sentence; therefore few of such offenders are likely to be released to parole or mandatory supervision.

### **Technology**

The analysis includes estimated technology costs for computers, printers, and enterprise agreements totaling \$840,810 in fiscal year 2008. DPS will have to purchase additional equipment to upgrade offices across the state to support the additional support staff. Field network equipment must also be connected back to DPS Headquarters. Fiscal years 2009 through 2012 include a technology impact of \$14,006 per year for continued enterprise software agreements.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 696 Department of Criminal Justice

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