

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 23, 2007

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

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

IN RE: SB6 by Zaffirini (Relating to the apprehension, prosecution, and punishment of individuals committing or attempting to commit certain sex offenses.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for SB6, As Passed 2nd House: a negative impact of (\$284,738) through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$142,369)
2009	(\$142,369)
2010	(\$142,369)
2011	(\$142,369)
2012	(\$142,369)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND</i> 1	Probable Revenue Gain/(Loss) from <i>CRIME STOP ASSISTANCE ACC</i> 5012
2008	(\$142,369)	(\$401,000)
2009	(\$142,369)	(\$401,000)
2010	(\$142,369)	(\$401,000)
2011	(\$142,369)	(\$401,000)
2012	(\$142,369)	(\$401,000)

Fiscal Analysis

The bill would amend the Code of Criminal Procedure by providing that during the investigation of the offense of online solicitation of a minor, an internet provider has specific deadlines in responding to a subpoena, search warrant, or court order, and provides a penalty provision if the provider does not comply with the statute. The bill would also require the Attorney General to establish a database of internet service providers located in Texas. The bill would require the crime stoppers advisory council to create programs to encourage the reporting of persons who violate sex offender registration laws.

The bill would amend the Penal Code to allow punishment for the offense of online solicitation of a minor to run consecutively or concurrently. The Penal Code would also be amended to increase the level of offense from a state jail felony to a felony of the third degree for a person that communicates with a minor in a sexually explicit manner or distributes sexually explicit material. The level of punishment would be increased from a felony of the third degree to a felony of the second degree if the person solicits a minor to meet with the intent to have sexual contact, sexual intercourse, or deviate sexual intercourse.

The bill would also amend the Transportation Code requiring the Texas Department of Public Safety (DPS) to print “RSO” on identification documents (identification certificate, driver’s license, commercial driver’s license, or commercial driver’s license learner’s permit) it issues to registered sex offenders whose victim was younger than 14 years of age at the time the offense was committed. “RSO” would be printed on any identification document renewed before the 20th anniversary of the date the person was first required to register. The bill would also require DPS to post on its website information explaining the “RSO” designation.

The bill would also define policies and procedures for notification and placement of students required to register as sex offenders in either Disciplinary Alternative Education Programs or Juvenile Justice Alternative Education Programs. The bill provides that a JJAEP receiving students placed under the provisions of the bill is entitled to the same funding it would receive on behalf of a student placed in a JJAEP for conduct for which expulsion is permitted, but not required. Since the provisions of the bill would not increase mandatory placements to JJAEPs, the bill would have no fiscal impact to the state.

Methodology

The statute making online solicitation of a minor a criminal offense took effect on June 18, 2005. Estimating the impact of the enhancement provision, and the consecutive or concurrent provision of the bill cannot be determined due to the recent passage of the original statute.

Both the Office of the Attorney General and the Texas Department of Criminal Justice anticipate that any additional work resulting from the passage of this bill, to their respective agencies, could be reasonably absorbed with current resources.

The Office of the Governor anticipates the need for two full-time state employees to create and manage the specialized programs and financial rewards required by the bill. The salary of these employees is estimated at \$36,000 each, for a total of \$92,368.80 (including 28.29% in fringe benefits). Four regional trainings would be conducted by Crime Stoppers Advisory Council staff to advise and assist local crime stoppers organizations in implementing specialized programs, the cost of these trainings is estimated at \$12,500 each (4 X \$12,500 = \$50,000).

The bill would require financial rewards to be paid by the Crime Stoppers Advisory Council for reports leading to the apprehension of a sex offender who has failed to register as required. According to the Texas Department of Public Safety (DPS), as of February 2007, Texas had 48,602 registered sex offenders, two percent of which (960) are reported as absconded, and 5,563 registered sex offenders’ with delinquent records (either through local law enforcement delinquent in updating records, or the offender has truly absconded). The Crime Stoppers Advisory Council estimates that of the 48,602 total registered sex offenders in Texas, 5% (2,430) are out of compliance. The 2,430 out of compliance sex offenders are likely to result in 802 reports that lead or substantially contribute to the arrest or apprehension of a sex offender who has failed to register. Assuming a reward payment of \$500 per credible tip, the yearly estimated reward payment would be \$401,000 (802 X \$500 = \$401,000).

Total annual cost of the Crime Stoppers Advisory Council provision of the bill is \$543,369 (\$92,369 Wages and Benefits + \$50,000 Training + \$401,000 Rewards = \$543,369).

Regarding the requirement of DPS to print “RSO” on identification documents it issues to registered sex offenders whose victim was younger than 14 years of age, DPS reports a one-time technology cost of \$133,000 to cover programming changes to the Driver License System. DPS reports it would be unable to implement the modifications necessary to comply with the provision of this bill until the Driver License Reengineering Project is completed in November 2007. DPS would also be allowed to collect an additional fee to cover the cost of complying with the provision of this bill. This analysis assumes a potential fee collected by DPS would offset programming costs but the amount of estimated revenue collected is not known at this time.

Local Government Impact

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

Source Agencies: 301 Office of the Governor, 302 Office of the Attorney General, 696 Department of Criminal Justice

LBB Staff: JOB, ES, SMi, GG