

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION  
Revision 1

April 27, 2011

**TO:** Honorable Jerry Madden, Chair, House Committee on Corrections

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

**IN RE: HB1552** by Madden (Relating to the monitoring of and the provision of certain information regarding certain high-risk sex offenders. ), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1552, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2013.

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
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Criminal Justice Plan Ac 421</i>	Probable Revenue Gain/ (Loss) from <i>State Highway Fund 6</i>	Probable Savings/(Cost) from <i>State Highway Fund 6</i>
2012	(\$500,000)	\$500,000	\$0
2013	\$0	\$75,504	(\$151,008)
2014	\$0	\$214,896	(\$429,792)
2015	\$0	\$354,288	(\$708,576)
2016	\$0	\$354,288	(\$708,576)

Fiscal Analysis

The bill would require the Department of Public Safety (DPS) to maintain an electronic mail service making information available by electronic mail to members of the Texas House of Representatives and the Texas Senate about each individual required to register as a sex offender in the member’s district.

The bill would create a risk assessment process for adults required to register as a sex offender. The dynamic risk assessment is intended to determine the likelihood that the person will engage in sexually predatory conduct after being released from the Texas Department of Criminal Justice.

The bill would require DPS to implement and coordinate a monitoring system to track the location of certain high risk registered sex offenders. The monitoring system is subject to the receipt of one or more grants from the Governor's criminal justice planning fund. The bill provides for the capability of the monitoring system. The bill would require DPS to adopt rules to implement the monitoring system.

The bill would require DPS to make the electronic mail report functional not later than January 1, 2012. The bill would require DPS ensure the monitoring system becomes fully functional not later than February 29, 2012. The remaining provisions of the bill would take effect immediately if it receives two-thirds vote, if not it takes effect September 1, 2011.

## **Methodology**

It is assumed that the provision of the bill related to electronic monitoring of registered sex offenders would be implemented by DPS and a \$500,000 grant from the governor's office criminal justice division for the biennium would offset the cost of implementing the program until the grant funds are expended. The grant would fund the cost of the technology, unpaid monthly fees incurred by indigent offenders, and training for local law enforcement to use the monitoring system.

It is estimated that 192 sex offenders would be monitored under the provisions of the bill by the end of fiscal year 2013 and an additional 192 would be added to the program each year. Offenders would continue to be monitored until the third anniversary of their release from the penal institution. It is assumed that DPS would purchase the monitoring system under an existing state contract to avoid set up costs and the annual rate to monitor each sex offender would be \$1,452.

An individual subject to monitoring who is not indigent would be required to pay monthly to the person's primary registration authority and to DPS the amount necessary to defray the cost of operating the system with respect to the person during the preceding month. It is assumed that DPS would incur the cost of monitoring 50 percent of the offenders unable to pay because of their indigent status. By the end of fiscal year 2013, the cost of monitoring offenders would be \$151,088, and half or \$75,504 would be paid by offenders. The amount would increase each year as more offenders enter the monitoring program until the third year when participation would level off and remain constant. DPS would be required to report fees collected to the governor's office criminal justice division. The bill would require the division to treat that money as program income for DPS and shall use the reported amounts to offset the amounts of grants awarded.

It is assumed that local law enforcement would continue to be the primary authority required to manage registered sex offenders in their jurisdiction. DPS would coordinate the implementation of the monitoring system and assist local law enforcement agencies with implementing the technology, however, DPS would not conduct law enforcement activities related to the tracking and management of certain registered sex offenders subject to electronic monitoring.

## **Local Government Impact**

There would be some additional workload to local law enforcement agencies relating to the monitoring of the GPS tracking of registered sex offenders, but it is anticipated that it could be absorbed utilizing existing resources.

**Source Agencies:** 301 Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 537 State Health Services, Department of, 694 Youth Commission, 696 Department of Criminal Justice

**LBB Staff:** JOB, ESi, GG, DH, MWU, KKR, AI