

# Legislative Analysis



## ANNUAL SEX OFFENDER REGISTRATION FEE

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**Senate Bill 221 (Substitute S-2)**

**Sponsor: Sen. Rick Jones**

**House Committee: Criminal Justice**

**Senate Committee: Judiciary**

**Complete to 5-21-13**

### A SUMMARY OF SENATE BILL 221 AS PASSED BY THE SENATE 5-2-13

Senate Bill 221 (S-2) would amend the Sex Offenders Registration Act (1994 PA 295) to require a person registered under the act to pay an annual, rather than a one-time, \$50 registration fee.

Under the act, an individual who is required to be registered and is not incarcerated must report in person to the registering authority (a law enforcement agency) where he or she lives. The registrant must report annually, biannually, or quarterly, depending on whether he or she is a Tier I, Tier II, or Tier III offender.

An individual who reports must pay a \$50 registration fee if he or she has not already paid a fee upon original registration. The fee must be paid only once. Senate Bill 221 (S-2) provides, instead, that an individual who reported as required would have to pay a \$50 registration fee upon initial registration and then annually thereafter. The fee could not be prorated on the grounds that the registrant would complete a registration period after the month in which the fee was due.

The bill also would revise the schedule for registrants' annual, biannual, or quarterly reporting to a registering authority. Currently, Tier I offenders must report in January; Tier II offenders must report in January and July; and Tier III offenders must report in January, April, July, and October.

Under the bill, Tier I offenders would have to report during the month of their birth. Tier II offenders would have to report during the month of their birth and six months later. Tier III offenders would have to report during the month of their birth and quarterly thereafter. Registrants would have to report any time during the month in which they would have to report; i.e., not earlier than the first day and not later than the last day of the reporting month. Registrants whose registration period ends during a reporting month would have report in that last month prior to the expiration of their registration period.

### **FISCAL IMPACT:**

The current one-time \$50 sex offender registration fee generates approximately \$150,000 annually, distributed among the Sex Offender Registration Fund (\$30/fee, \$90,000 annually) and local law enforcement agencies (\$20/fee, \$60,000 annually). Per statute,

the Sex Offender Registration Fund is to be expended by the Department of State Police for the operation and maintenance of the sex offender database, the public internet website, and notification and offender registration duties.

Moving the sex offender registration fee from a one-time \$50 fee to an annual \$50 fee would generate approximately \$700,000 annually, distributed among the Sex Offender Registration Fund (\$30/fee, \$420,000) and local law enforcement agencies (\$20/fee, \$280,000 annually), excluding incarcerated individuals. The actual amount of fee revenue collected would be less than the \$700,000 annually after discounting for non-collection of fees from indigent offenders.

The annual cost of the sex offender database is approximately \$1.2 million, with \$600,000 of that amount used to maintain the database. The balance of the overall cost supports personnel and other administrative items. With the Sex Offender Registration Fund covering only a small amount of the overall costs to operate and maintain the database, the balance of the costs are covered by CJIC service fees and the state's General Fund. The increased fees would cover a greater share of the cost to operate and maintain the database.

The Department of State Police indicates that there are approximately 40,600 offenders currently on the Sex Offender Registry, with approximately another 220 offenders added to the registry each month. Of the approximately 40,600 offenders on the registry, 11,882 are incarcerated and exempted from paying the registration fee.

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