

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 6-10-13

A SUMMARY OF SENATE BILL 221 AS REPORTED BY HOUSE COMMITTEE 6-5-13

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.

A BRIEF DISCUSSION OF THE BILL:

According to the Department of State Police, the bill is needed to address several concerns. The first is that the current one-time \$50 registration fee when an offender is first ordered to register with the Sex Offender Registry is insufficient to support the

annual costs of maintaining the registry. Changing the fee structure to an annual, instead of one-time, \$50 fee would still fall short of the total revenue needed to make the Registry self-supporting, but would go a long way towards closing the gap between anticipated revenues and expected expenditures. After all, offenders currently pay a low, one-time fee yet are on the Registry for a minimum of 15 years.

The bill would also revise the schedule for when registered sex offenders must report in person to their local enforcement agency. Currently, each of the more than 40,000 offenders who are required to register must report within the same two-week period every January to verify certain information, such as current address; all Tier II and Tier III offenders must also report during the same two-week period in July. The result is an administrative backlog during these reporting periods that require law enforcement agencies to pull officers off the road to assist in processing the required verifications. Revising the reporting schedule to correspond to an offender's birthdate is expected to spread out the verifications to a level that law enforcement agencies can handle with current staffing levels, thus keeping road patrol officers where they are needed most - on the road. In addition, reporting compliance rates are expected to increase as it is easier to track a reporting schedule based on birthdate and also because having a month in which to report, instead of just an arbitrary two-week period, is less likely to conflict with employment, periods of illness, or family obligations.

However, some oppose requiring an annual fee. This is based largely on the fact that most of the people required to register do not represent a danger or threat to public safety and should not be on the Registry to begin with. Inclusion on the Registry has been documented to severely limit employment opportunities and even affect the ability to find housing. Many registrants are therefore unemployed or underemployed. Even an annual \$50 fee may be too much for some of these individuals. Though there is an indigency waiver, reportedly it is insufficient as it only applies for 90 days and there is no appeal if denied.

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.

POSITIONS:

A representative of the Michigan State Police testified in support of the bill 5-22-13 and indicated support 6-5-13.

A representative of ACLU Michigan testified in support of the DOB-based registration changes but opposes making the registry fee an annual fee. (5-22-13)

The Coalition for a Useful Registry indicated support for changing the date for registration but opposition to the fee revision. (5-22-13)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.