



## Fiscal Estimate Narratives

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LRB Number	07-3747/1	Introduction Number	AB-0791	Estimate Type	Original
<b>Description</b> Internet access restrictions on certain sex offenders, information provided by a person required to register as a sex offender, providing a penalty, and making an appropriation					

### Assumptions Used in Arriving at Fiscal Estimate

Under this bill, when the court orders an offender to register with the Sex Offender Registry [SOR], the court must also determine if the person used a computer to commit the underlying sex offense. If the court finds that a computer was used in the underlying crime, the court must prohibit the offender [internet sex offender] from using a computer during the period the offender must register as a sex offender, unless the court gives prior written approval to use a computer or the Department grants approval allowing access for employment or employment search purposes. The bill allows the Department to examine the computer and any peripherals, install any monitoring device on the computer or add conditions to the access or use of a computer that an internet sex offender is allowed to use. This bill also allows the Department to recoup any costs of devices, software or monitoring related to monitoring an offender's use of a computer. The penalty for a violation of the prohibition on using a computer or for refusing to submit to or hamper an action by the Department to monitor computer use is a Class A misdemeanor, punishable by up to 9 months imprisonment.

This bill requires any internet sex offender who is allowed by the court or the Department to use a computer to register with SOR the name or number of every electronic mail account used by the person, every user name the person uses for text messaging or electronic instant messaging, and the internet address of every website maintained by the internet sex offender.

There are currently 20,041 offenders required to register with SOR, including approximately 1,700 juveniles. Of those offenders, 15,991 have a discernible offense pattern. Approximately 540 [3.4%] of those offenders with an offense pattern appear to have used a computer in the commission of their crime. There are approximately 120 new registrants every month, or over 1,400 annually. Assuming 3.4% of new registrants used a computer in the commission of their crime, approximately 48 additional offenders annually would be subject to these new restrictions increasing monitored offenders to 480 by year 10.

The Department's data entry for original information and the data entry associated with changes to that data will increase. The Department would incur one-time costs of \$20,000 associated with development costs to the SOR to contain the new data; \$5,400 for one-time development costs related to the offender's reimbursement of the costs of monitoring equipment/software, and \$11,700 annually for ongoing SOR maintenance.

If an offender is supervised by the Department, probation & parole agents' workload will increase if the offender's computer usage must be monitored. Most agents are not currently trained in computer forensic investigations. Additionally, any computer monitoring associated with those offenders who are not currently supervised by Department staff [juveniles supervised by counties and adults and juveniles who have discharged from Department supervision] would also increase Department staff workload if the offender is allowed to use a computer. In addition to staff costs, additional costs would be incurred for training on computer forensic investigations and equipment/software used to monitor computer usage. However, the fiscal effect cannot be estimated.

The Department cannot predict the number of offenders who will be convicted of a Class A misdemeanor for intentionally using a computer when they have not received permission to do so or who have not reported complete information to the Department. There will be a local jail fiscal effect if sex offenders who violate the prohibition are charged, convicted and sentenced to a jail term of up to 9 months.

### Long-Range Fiscal Implications