



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #241

Sex Offender Registry Fee (Corrections -- Adult Community Corrections)

Bill Agency

[LFB 2007-09 Budget Summary: Page 114, #2]

CURRENT LAW

The Department may require a person who must register as a sex offender and who is in its custody or on probation, parole, or extended supervision to pay an annual fee to partially offset its costs in monitoring persons on probation, parole or extended supervision. The Department may establish the fee by rule, but the fee may not exceed \$50.

GOVERNOR

Delete the requirement that the person be under departmental custody or on probation, parole, or extended supervision to pay the annual fee. Increase expenditure authority by \$193,500 PR in 2007-08 and \$387,000 PR for the sex offender management appropriation.

DISCUSSION POINTS

1. Under current law, the Department may assess an annual fee on individuals who are: (a) required to register as sex offenders; and (b) in the Department's custody or under supervision on probation, parole, or extended supervision. Revenue is used to offset costs associated with monitoring persons who are on probation, parole, or extended supervision.

2. Senate Bill 40 would delete the requirement that individuals be in the Department's custody or under supervision on probation, parole, or extended supervision to be assessed the annual fee. As a result, all individuals required to register, whether under departmental jurisdiction or not,

would pay a fee determined by the Department. Further, the bill would specify that the revenue generated from the fee be used to offset costs associated with monitoring persons who are on probation, parole, or extended supervision, or who are required to register as sex offenders.

3. Additional revenue generated under the bill is estimated to be \$288,500 PR in 2007-08 and \$292,300 PR in 2008-09. The Department would utilize the additional revenue to support enhanced sex offender management costs of polygraph testing and community treatment, estimated to be \$193,500 PR in 2007-08 and \$387,000 PR in 2008-09. The table below identifies total revenue and expenditure amounts under the bill for the sex offender management appropriation.

Sex Offender Management PR Appropriation

	<u>2007-08</u>	<u>2008-09</u>
Beginning Balance	\$0	\$95,000
Revenue	908,000	981,800
Expenditures	<u>813,000</u>	<u>1,076,500</u>
Ending Balance	\$95,000	\$300

4. It could be viewed that, by assessing a fee on individuals who are no longer in the Department's custody to support costs for monitoring persons who are on probation, parole, or extended supervision, these individuals are being required to support costs not associated with them. While the bill would modify language providing that generated revenue be used to offset supervision of persons required to register as sex offenders, the authority to supervise individuals no longer under the Department's jurisdiction is unclear. As such, the Committee may wish to delete the provision.

5. If the Committee wishes, however, statutory language could be modified to indicate that the fee paid by individuals required to register who are no longer under the jurisdiction of the Department would be utilized to support the costs of registration and registration monitoring associated with these individuals.

ALTERNATIVES TO BILL

1. Approve the Governor's recommendation to modify statutory language to allow the Department to require a person who must register as a sex offender, regardless of whether they are in Corrections' custody or supervision, to pay an annual fee of up to \$50 to offset costs of monitoring persons who are required to register.

ALT 1	Change to Bill		Change to Base	
	Revenue	Funding	Revenue	Funding
PR	\$0	\$0	\$0	\$580,500
PR-REV	0	0	580,500	0

2. Modify statutory language to specify that sex offender management fees paid by individuals under the Department's jurisdiction would support the costs of registration and registration monitoring for these individuals.

3. Delete provision.

ALT 3	Change to Bill		Change to Base	
	Revenue	Funding	Revenue	Funding
PR	\$0	-\$580,500	\$0	\$0
PR-REV	-\$580,50	0	0	0

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