

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE FISCAL NOTE**

BILL NUMBER: SB 1398 (COMMITTEE SUBSTITUTE)

SHORT TITLE: Sex Offender Registration/Funds

SPONSOR(S): Senator Gunter

FISCAL IMPACT: Expenditures: INCREASE (X) Decrease ()
 Revenues: Increase () Decrease ()
 No Impact ()
 No Estimate Available ()

FUNDS AFFECTED: General Fund (X) Highway Fund () Local Fund ()
 Other Fund ()

BILL SUMMARY: SEX OFFENDER REGISTRATION. "AN ACT TO REQUIRE THE REGISTRATION OF PERSONS CONVICTED OF CERTAIN CRIMINAL SEXUAL OFFENSES AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT." Enacts Sexual Offender Registration Program as new Art. 27A to GS Ch. 14. Requires a person who has been convicted of specified sexual offenses (including rape and sexual offense) to register with the sheriff of the county in which the person resides within 10 days of the person's arrival in the county, and to notify sheriff within 10 days of any change in address. Establishes procedures and requirements with respect to registration of sexual offenders. Requires penal institutions, prior to release of sexual offender from prison, to notify offender of duty to register as sexual offender, obtain address where offender expects to reside upon release, and inform Division of Criminal Statistics and sheriff of offender's name, address, release date, and offense for which convicted. Imposes similar requirements on court with respect to sexual offender placed on probation. Requires Division of Criminal Statistics to include registration information in police information network. Registration information is not a matter of public record; however, sheriff shall verify upon request from law enforcement officer or agency whether a person has registered as a sex offender. Failure to register is a class 3 misdemeanor for the first offense, and a class I felony for a subsequent violation. Allows district court to grant exemption from registration requirements for good cause.

PROPOSED AMENDMENTS/COMMITTEE SUBSTITUTES - June 30, 1994

Rewrites Section 14-208.8 "Procedure for Requiring Registration." Also makes other technical changes.

EFFECTIVE DATE: This act becomes effective March 1, 1995. This act applies to all persons convicted on or after March 1, 1995 and to all persons released from penal institutions on or after March 1, 1995.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Division of Criminal Information; Judicial Branch

FISCAL IMPACT

Division of Criminal Statistics

	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98	<u>FY</u> 98-99
TOTAL EXPENDITURES	\$32,810	\$22,810	\$22,810	\$22,810	\$22,810
RECURRING (Data Processor)	\$22,810	\$22,810	\$22,810	\$22,810	\$22,810
NON-RECURRING	\$10,000	\$0	\$0	\$0	\$0

POSITIONS: Division of Criminal Statistics - 1 Data Processor

ASSUMPTIONS AND METHODOLOGY: Division of Criminal Statistics

Currently, there are approximately 3,000 sexual offenders in the system. Extrapolating from Judicial Department data on sexual offenses, an additional 2,000 offenders could come on line each year and be required to register. Additionally, section 14-208.11 of this bill allows "any employers or volunteer groups who are hiring or accepting persons as volunteers who will be working with minors, the elderly, or incapacitated persons" to check whether an individual is a registered sexual offender. Thus, the pool of individuals who might checked under this bill could reach 10,000 or more.

The Division of Criminal Information anticipates needing one additional computer and data processor to collect and house the data of all sex offenders and to responsibly keep up with other administrative work associated with this legislation. The costs of these items are listed in the Fiscal Impact Table above. The cost of adding one data processor at a salary grade of 59 is \$22,810 and the cost of an additional computer is \$10,000.

* No salary adjustments are included in the recurring costs listed above.

* The computer disk drive which would be used to store all offender information is a one time expenditure, and therefore, is only listed as an expense in FY 94/95.

ASSUMPTIONS AND METHODOLOGY: Judicial Branch

The Administrative Office of the Courts has provided the following information regarding the fiscal impact of this bill on the Judicial Branch. The Fiscal Research Division has reviewed this information and is in agreement with their findings.

"This bill would result in some new misdemeanor and felony filings, but we are unable to reliably predict how many.

This bill amends Subchapter VII of Chapter 14 by adding new Article 27A, which establishes a procedure requiring persons convicted of certain criminal sexual offenses to register with the sheriff of the county where a person resides or intends to reside for more than ten

days. Persons who fail to register are guilty of a Class III misdemeanor for a first violation, and a Class I felony for a subsequent violation. We are unable to reliably predict the number of new filings that would result from implementation of this legislation. In 1992-93, in rape and first degree sex offense cases, there were 847 convictions (including jury guilty verdicts, pleas as charged, and pleas to lesser offenses); for other sex offenses, there were 1,110 convictions (including only jury guilty verdicts and pleas as charged). We are unable to predict the number of persons who would fail to register under this bill, or the number of prosecutions that would result. We expect that the number of prosecutions would be a relatively small percentage of the approximately 2,000 total convictions. As a very rough and speculative estimate, if there were misdemeanor prosecutions for 10% (200) of these convictions, and each prosecution required an average of one hour of district court time, the court time cost would be some \$22,308 (33 court days at six hours per court day, times \$676 per court day for district court judge, district attorney, and clerk). Based on an indigency rate of 40% for these cases, or 80 cases, at 2 hours per case and \$50 per hour (assuming all private assigned counsel), indigent defense costs would be some \$8,000 in addition."

The Director of the Administrative Office of the Courts anticipates that any additional work which may result from the changes made in Section 14-208.8 of the proposed committee substitute for Senate Bill 1398 could be absorbed within existing resources.

Subsequently, based on this information, no significant fiscal impact is anticipated for the Judicial Branch due to this legislation.

However, they maintain that when "the cumulative additional workload from bills that impact on the courts cannot simply be absorbed, additional resources will be required."

SOURCES OF DATA: Administrative Office of the Courts; Division of Criminal Statistics

TECHNICAL CONSIDERATIONS: None

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