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FISCAL IMPACT STATEMENT

LS 6592
BILL NUMBER: SB 232

NOTE PREPARED: Dec 13, 2004
BILL AMENDED:

SUBJECT: Sex Offender Directory.

FIRST AUTHOR: Sen. Drozda
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill adds registered neighborhood associations to the list of entities that are entitled to receive the sex and violent offender directory published by the Criminal Justice Institute.

The bill also requires a person convicted of possession of child pornography who has a prior conviction for possession of child pornography to register as a sex offender.

Effective Date: July 1, 2005.

Summary of Net State Impact: (1) This bill requires persons who have a prior conviction for possession of child pornography and who are subsequently convicted of possession of child pornography to register as a sex offender. The number of persons convicted of a second unrelated possession of child pornography is not known. Local law enforcement agencies may experience an increase in expenditures. Any increases are dependent on the number of individuals falling under the requirements of this bill. Counties with larger sex and violent offender populations may necessitate additional staff.

(2) The Indiana Sheriffs' Association is responsible for development and monitoring of the Indiana sex offender registry website. The Indiana Criminal Justice Institute (ICJI) oversees administration of the sex offender directory. Neither entity anticipates a need for additional staff to meet the requirements of this bill.

(3) Individuals who fail to register as a sex and violent offender commit a Class D felony. Individuals who do not register as a sex and violent offender, and have a prior offense for not registering, commit a Class C felony. State and local governments may experience an increase in expenditures and revenues as a result.

(4) Current statute requires the ICJI to make a computer disk available containing the Indiana Sex and Violent Offender Directory to the following entities at least one time every six months: (1) all school corporations; (2) all nonpublic schools; (3) all state agencies that license individuals who work with children; (4) the State Personnel Department; (5) all licensed and registered child care facilities; (6) and any other entity that provides services to children and requests the directory. This bill would add an additional entity to this list, registered neighborhood associations that request the directory. Additional expenditures by the ICJI are expected to be minimal.

Explanation of State Expenditures: This bill would increase the number of persons required to register as sex offenders. The number of persons convicted of a second unrelated possession of child pornography is not known. Before July 1, 2002, possession of child pornography was a Class A misdemeanor. It is now a Class D felony. In FY 2003, eight persons were committed to the Department of Correction (DOC) for possession of child pornography, while in FY 2004 seven persons were committed.

Local Law Enforcement Agencies: Each local law enforcement agency has identified staff to monitor sex and violent offender registration. Increases in expenditures for agencies vary by locality. Allen County, which has a larger sex offender population (472 offenders are currently registered), reports that it currently needs additional staff to monitor sex and violent offender registration. The county would likely require additional staff if the number of individuals required to register increases. Whitley County, with a smaller sex and violent offender population (43 offenders are currently registered), reports that no additional staff would be needed. Any increases in expenditures for local law enforcement agencies are dependent on the number of individuals that would fall under the requirements of this bill.

Indiana Sheriffs' Association: The Indiana Sheriffs' Association is responsible for development and monitoring of the Indiana sex offender registry website. The registry is comprised of two parts; the sex offender registry, and the sex and violent offender registry. Currently, there are approximately 7,100 individuals listed on the sex offender registry. The Sheriffs' Association does not anticipate a need for additional staff to meet the requirements of this bill.

Indiana Criminal Justice Institute: The sex offender directory is funded through grant money from the Indiana Criminal Justice Institute. The grant was \$95,000 in CY 2003. One staff person maintains the website. The ICJI does not anticipate a need for additional staff to meet the requirements of this bill.

Penalty Provision: Individuals who fail to register as a sex and violent offender commit a Class D felony. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to a Class A misdemeanor depending upon mitigating and aggravating circumstances. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Individuals who do not register as a sex and violent offender, and have a prior offense for not registering, commit a Class C felony. A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years.

Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small.

Sex Offender Directory Mailing: Current statute requires the Indiana Criminal Justice Institute (ICJI) to make a computer disk available containing the Indiana Sex and Violent Offender Directory to the following entities at least one time every six months: (1) all school corporations; (2) all nonpublic schools; (3) all state agencies that license individuals who work with children; (4) the State Personnel Department; (5) all licensed and registered child care facilities; (6) and any other entity that (a) provides services to children; and (b) requests the directory. This bill would add an additional entity to this list, registered neighborhood associations. Additional expenditures by the ICJI are expected to be minimal.

Background: In 2003, the ICJI conducted an information campaign to inform the approximate 8,500 entities that receive the Directory that it is available on both the Internet and CD-ROM. Recipients were asked if they preferred to receive the Directory on CD-ROM or to access its information on the Internet (both forms are available at no cost to the recipient). Less than 5% requested the Directory on CD-ROM. The benefit to obtaining the Directory on the Internet is that individuals identified on the Directory change daily, thus, Internet information is more current. The ICJI spends approximately \$1,000 per distribution (or \$2,000 annually). The cost for each disk is approximately \$2.61.

At the time of the most recent distribution, four groups receiving the information identified themselves as neighborhood associations, and one requested a copy of the Directory.

The number of neighborhood associations in the state, and thus the number that would choose to register with the ICJI is unknown. It is assumed that the majority of associations exist in cities or larger populated towns. Each governing body registers neighborhood associations differently. The City of Indianapolis reports it has 339 registered neighborhood associations; the City of Bloomington has approximately 35.

The amount of additional expenditures that the state will experience is dependent on the total number of neighborhood associations in the state which choose to (a) register with the ICJI, and (b) have the Directory supplied to them on CD-ROM. The total amount of additional expenditures are unknown. It is likely, however, that any additional expenditures will be small. The largest city in Indiana, Indianapolis, with 339 registered neighborhood associations, would create an approximate increase of \$44 every six months ($339 \times 5\% \times \$2.61 = \44.24).

Depending on the number of neighborhood associations that choose to register, the ICJI may need additional staff. The funds and resources required above could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D or a Class C felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction; Indiana Criminal Justice Institute, Indiana Sheriffs' Association.

Local Agencies Affected: Trial courts, local law enforcement agencies; local units of government.

Information Sources: Steve Hillman, Indiana State Police, 317-232-5899; Pam Marling, Bureau of Identification, Allen County, 260-449-7630; Jody Hollenbaugh, Whitley County, 260-244-6410; Mike Eslinger, Indiana Sheriffs' Association, 317-356-3633; Jason Matejkowski, Indiana Criminal Justice Institute, 232-1232; Vickie Provine, City of Bloomington, 812-349-3505; Bob Wilch, City of Indianapolis, 327-5115.

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