

Fiscal Note & Local Impact Statement

123rd General Assembly of Ohio

BILL: S.B. 148 DATE: October 27, 1999

STATUS: As Introduced SPONSOR: Sen. Hottinger

LOCAL IMPACT STATEMENT REQUIRED: Yes

CONTENTS: Applies the Sex Offender Registration Law to juveniles adjudicated delinquent for committing sexually oriented offenses

State Fiscal Highlights

STATE FUND	FY 2000	FY 2001	FUTURE YEARS
General Revenue Fund			
Revenues	Negligible gain	Negligible gain	Negligible gain
Expenditures*	Up to \$100,000 increase	Up to \$200,000 increase	Up to \$200,000 increase
Crime Victim Reparations Fund (Fund 402)			
Revenues	Negligible gain	Negligible gain	Negligible gain
Expenditures	-0-	-0-	-0-

Note: The state fiscal year is July 1 through June 30. For example, FY 2000 is July 1, 1999 – June 30, 2000.

*This estimate assumes that the bill's provisions will only be in effect for part of state FY 2000 and that a large portion of those initial costs will be one-time start-up expenses.

- By applying the Ohio Sex Offender Registration Law to juvenile offenders, the size of the sex offender registry currently maintained by the Office of the Attorney General would increase appreciably and add close to \$100,000 in annual operating costs. If start-up expenses parallel those incurred for the existing registration system for adult sex offenders, then the Office of the Attorney General will need to cover up to \$70,000 in one-time expenses to get the juvenile component of the sex registry up-and-running.
- The Department of Youth Services will take on a role in collecting and disseminating information on juvenile sex offenders it releases from custody. The annual cost of those tasks is likely to be minimal, which means less than \$100,000 annually.
- There will be at most a negligible annual gain in locally collected state court costs that are generated for the GRF and the Crime Victim Reparations Fund.



Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2000	FY 2001	FUTURE YEARS
Counties			
Revenues	Negligible gain	Negligible gain	Negligible gain
Expenditures	Increase, probably \$10,000-\$20,000 or more in the most populous counties	Increase, probably \$10,000-\$20,000 or more in the most populous counties	Increase, probably \$10,000-\$20,000 or more in the most populous counties

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- County sheriffs' departments will incur additional personnel expenditures for administration of the sex offender registration system at the local level. These increases will be dependent county size and the number of juvenile sex offenders residing in each county. LBO believes that some jurisdictions will as a result require additional staff or the elevation of part-time staff to full-time status at an annual cost of \$10,000-to-\$20,000 or more.
- County juvenile justice systems will also incur an additional minimal burden as a result of: (1) juvenile courts being required to determine if a juvenile is an offender subject to registration and to notify juveniles of their registration requirements; and (2) charging and prosecuting juvenile sex offenders who fail to comply with their registration requirements.
- There will be at most a negligible annual gain in court cost and fine revenue generated for deposit to the credit of county treasuries as a result of a few juvenile sex offenders being charged and prosecuted for failure to comply with their registration requirements.

Detailed Fiscal Analysis

Operation of Ohio's Existing Sex Offender Registry

In Ohio, three classes of offenders currently are required to register upon release: sexual predators, habitual sex offenders, and sexually oriented offenders. All are required to provide fingerprints, photographs, DNA, criminal history, and vehicle registration information.

Registration & Verification. Offenders must register with the county sheriff within seven days of entering any county, and within seven days of changing address. These requirements also apply to out of state offenders establishing residence in Ohio. The penalties for failure to register in Ohio are dependent upon the sexually oriented offense the offender committed. Offenders who are required to register as the result of committing a misdemeanor sex offense are charged with a first-degree misdemeanor for failure to register. A first-degree misdemeanor may be sentenced up to six months in jail and fined up to \$1,000. Offenders who are required to register as the result of committing a felony sex offense are charged with a fifth-degree felony for failure to register. A fifth-degree felon may be sentenced to a prison term of between six and twelve months and may be fined up to \$2,500.

The classification of sex offenders under Ohio law is as follows:

- ***Sexual predator:*** An offender who is convicted of a sexually violent offense and is determined to be a sexual predator by the sentencing court. Generally, sexual predators are required to register for life and must verify their addresses with the county sheriff quarterly.
- ***Habitual sex offender:*** An offender previously convicted of one or more sexually oriented offenses. The sentencing judge may or may not determine that community notification is necessary. Generally, habitual offenders must register for 20 years and must verify their addresses with the county sheriff annually.
- ***Sexually oriented offender:*** An offender convicted of a sexually oriented offense. Such offenders must register for 10 years, verify their addresses with the county sheriff annually, and are not subject to community notification provisions.

Notification. Current law relative to adult sex offenders requires county sheriffs to provide written notices, containing specified information and within a specified period of time, to victims, neighbors, and certain members of the public. The people or entities that have to be notified depend upon whether the individual in question is a sexually oriented offender, a habitual sex offender, or a sexual predator.

Responsibility Distribution for Sex Offender Registry Operation

According to information provided by the Office of the Attorney General, there are currently 3,200 adult offenders registered in Ohio. The operation of this sex offender registry is dependent upon interagency cooperation among many state and local entities, including the Department of Rehabilitation and Correction (DRC), the Bureau of Criminal Identification and Investigation (BCII), and county sheriff departments.

Department of Rehabilitation and Correction. At the time of a sex offender's release from prison, DRC reviews the registry requirements, obtains background information on the offender, including the offender's intended place of residence, and forwards this information on to the sheriff's department in that area and to BCII.

County Sheriffs. County sheriffs currently bear the brunt of the sex offender registration and notification burdens. Offenders are required to register with the county sheriff, who is in turn responsible for notifying certain individuals and entities. County sheriffs are also required to forward address verifications and related offender information to BCII.

Bureau of Criminal Identification and Investigation. Pursuant to current law, the Office of the Attorney General has established and maintains the State Registry of Sex Offenders that is housed at BCII. This registry contains all of the sex offender information forwarded from local officials and DRC. BCII also forwards this information onto the FBI for inclusion in its National Sex Offender Database.

Operation of the Bill and Fiscal Effects

Number of qualifying juvenile offenders. From the limited data we have on hand relative to juvenile sex offenders, we have deduced that the number of juveniles that would be registering annually as a result the bill could easily approach 700 or more, many of whom are sanctioned locally and not sentenced into the custody of DYS. Under the bill, juvenile courts are charged with informing these juveniles of their registration requirements, county sheriffs are given information collection and dissemination duties, and the State Registry of Sex Offenders maintained by BCII will grow with the addition of certain juveniles. In addition, DYS will be required to forward to BCII information on juvenile sex offenders it releases, and, although the bill appears to be silent on the matter, will likely feel compelled to disseminate information to the affected juveniles and their parents or guardians, juvenile courts, and county sheriffs.

Department of Youth Services. As was just mentioned, DYS will assume additional information dissemination duties that will be triggered each and every time it releases a juvenile sex offender. Our best estimate at this time is that the number of juveniles being released by DYS annually that would be affected by the bill could be in the range of 100-to-200. A conversation with the department on this matter led us to believe that the additional administrative burden associated with releasing these juveniles will create at most a minimal increase in its annual operating expenditures.

Office of the Attorney General's Office/BCII. Based upon information provided by the Office of the Attorney, we have come to believe that BCII's operating costs in relation to the maintaining the State Registry of Sex Offenders can be detailed as follows:

- Salaries and fringe benefits total approximately \$143,000 annually for two full-time administrative and support positions, two part-time trainers, and one part-time Automated Fingerprint Identification System (AFIS) operator;
- An additional 18% of the salary cost for equipment and space (\$25,740);
- Forms to be distributed to law enforcement total approximately \$5,000 annually.

From these numbers, we have been able to glean that BCII's annual operating cost for the State Registry of Sex Offenders currently totals close to \$200,000. In addition, we learned that the one-time initial set-up costs for this state registry totaled around \$70,000.

The addition of 700 or more juvenile offenders annually to the existing State Registry of Sex Offenders will increase BCII's operational costs. Drawing again on our conversation with the Office of the Office of the Attorney General, we believe that the additional annual operating costs for BCII as a result of the bill will total less than \$100,000, which includes up to two additional staff and related maintenance and equipment expenses. It is also likely that BCII will incur a one-time start-up cost similar to that for the existing State Registry of Sex Offenders containing adult sex offenders. There is an unknown here. We do know that the Office of the Attorney General is contemplating integration of the State Registry of Sex Offenders into AFIS, but we are uncertain as the status of that plan or whether the addition of juvenile offenders will markedly alter the projected cost of system integration.

County Sheriffs. County sheriffs already have an assortment of information collection and dissemination duties under the state's existing adult sex offender registration, verification, and notification law. Under the bill, these duties will be expanded to be generally applicable to juvenile sex offenders,

with the most noticeable exception being that the existing provision related to neighborhood notification would not apply to juvenile sex offenders.

We are unable to precisely estimate the fiscal consequences of this expansion to county sheriffs. LBO does believe, however, that in certain areas of the state the cumulative effects of having to keep track of an increasing number of juvenile sex offenders will increase a county sheriff's annual operating costs to the point that an additional part- or full-time person has to be assigned to handle these sex offender registration and notification tasks. The annual cost of adding another part- or full-time person could easily hit \$10,000-to-\$20,000 or more.

Juvenile Courts. The bill also contains two facets that will increase burdens county juvenile justice systems, in particular juvenile courts. (1) juvenile courts are required to determine if a juvenile is an offender subject to registration and to notify juveniles of their registration requirements; and (2) juvenile sex offenders who fail to comply with their registration requirements can be charged with a first-degree misdemeanor or fifth-degree felony, depending upon the seriousness of the original offense. The additional annual fiscal burden these two facets of the bill will place on county juvenile justice systems would obviously be greater in more populous jurisdictions where there are likely to be a larger numbers of juvenile sex offenders. Although we cannot put an annual price tag of this fiscal burden, we cannot imagine it exceed minimal.

State & Local Revenue. Court cost and fine revenue generated for county and state treasuries will be affected by the bill as a result of a provision that criminalizes the failure of juvenile sex offenders to comply with their registration requirements. LBO believes that relatively few cases will actually be prosecuted and very little in the way of court cost or fine revenue will end up being collected and deposited to the credit of the state GRF, the state Crime Victim Reparations Fund, or a county treasury.

□ LBO staff: Laura Bickle, Budget/Policy Analyst
\\Budget_office\isis_voll.lbo\FN123\Sb0148in.doc