

GENERAL ASSEMBLY OF NORTH CAROLINA



Legislative Fiscal Note

REVISED

**BILL NUMBER:** House Bill 1902 (Second Edition)

**SHORT TITLE:** GPS Monitoring of Some Sex Offenders/Funds.

**SPONSOR(S):** Representatives Ray, Goforth, Glazier, and Farmer-Butterfield

<b>FISCAL IMPACT</b>					
	Yes (X)	No ( )	No Estimate Available ( )		
	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>	<u>FY 2010-11</u>
<b>REVENUES*;</b> (General Fund)	\$2,250	\$4,500	\$4,590	\$4,590	\$4,590
<b>EXPENDITURES:</b> Dept. of Correction	\$771,539	\$1,236,448	\$1,699,077	\$2,166,342	\$2,634,735
<b>POSITIONS (cumulative):</b>	5	5	5	5	5
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Department of Correction					
<b>EFFECTIVE DATE:</b> Funding July 1, 2006; remainder of bill January 1, 2007					
<i>*The only changes from the June 19, 2006 fiscal note on HB 1902, second edition, are to revise the estimated revenue from offender fees (lowered) and revise the related text on page 4 of this note.</i>					

**BILL SUMMARY:**

May 10, 2006

H 1902. GPS MONITORING OF SOME SEX OFFENDERS/FUNDS. Filed May 10, 2006. TO REQUIRE ACTIVE GPS MONITORING OF ANY SEX OFFENDER WHO REQUIRES THE HIGHEST LEVEL OF SUPERVISION AND MONITORING IF THE OFFENDER IS RELEASED ON PROBATION, PAROLE, OR POST-RELEASE SUPERVISION FOR THE SUPERVISORY PERIOD OF THAT PROBATION, PAROLE, OR POST-RELEASE SUPERVISION AND TO APPROPRIATE FUNDS TO IMPLEMENT THE GPS MONITORING

SYSTEM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER REGISTRATION LAWS.

Sections 1, 3, and 4 amend GS 15A-1343(b2), GS 15A-1344, and GS 15A-1368.4 respectively by adding new subsections that require mandatory active GPS electronic monitoring (as set forth in section 5 of the act in proposed new GS 15A-1380.6, summarized below) of two categories of sex offenders: (1) any offender who is classified as a sexually violent predator or a recidivist, or who was convicted of an aggravated offense as those terms are defined by G.S. 14-208.6; and (2) any offender required to register as a sex offender for a ten-year period, who committed an offense involving the physical, mental, or sexual abuse of a minor, and who is recommended by the Department of Correction for the highest level of supervision and monitoring based on the Department's risk assessment program.

Section 2 amends GS 15A-1343(c2) by imposing the \$90 fee for electronic monitoring devices on sex offenders required to submit to active GPS monitoring.

Section 5 enacts new GS 15A-1380.6, which describes the active electronic monitoring device as one that actively monitors the offender, identifies the offender's location and timely reports or records the offender's presence near or within a crime scene or in a prohibited area or the offender's departure from specified geographic limitations. Sex offenders for whom active GPS monitoring is mandatory must submit to the monitoring for the entire supervisory period of their probation, parole, or post-release supervision. If an active GPS electronic monitoring system will not work because of technological or geographical limitations, then a passive electronic monitoring system that will work may be substituted.

Section 6 directs the Department of Correction to contract for passive and active GPS systems in time to have the systems in place by January 1, 2007.

Section 7 appropriates \$1,307,218 to the Department of Correction for the 06/07 fiscal year to implement active and passive electronic monitoring systems.

The act is effective January 1, 2007, with the exception of the appropriation, which is effective July 1, 2006.

June 7, 2006

H 1902. GPS MONITORING OF SOME SEX OFFENDERS/FUNDS. Filed May 10, 2006. House committee substitute makes the following changes to 1st edition. Enacts new Part 5 of Article 27A of GS Chapter 14 to: (1) require that the Department of Correction (DOC) establish a sex offender monitoring program that uses a continuous satellite-based monitoring system to monitor certain individuals required to register under Part 3 of Article 27A of GS Chapter 14; (2) require that persons subject to electronic monitoring pay a fee of \$90 (deletes amendments to GS 15A-1343(c2) which also imposed fee); (3) authorize a court to exempt a person from paying the monitoring fee or to require that the fee be paid in advance; (4) establish standards for satellite-based monitoring; and (5) authorize DOC to contract with a single vendor for the hardware services needed to comply with monitoring requirements. Makes conforming changes to proposed GS 15A-1343(b2)(7) and GS 15A-1368.4 and deletes proposed GS 15A-1343(b2)(8) and GS 15A-1368.4(b2), which also requires electronic monitoring for defendants required to register under Part 2 of Article 27A. Enacts new GS 15A-1343.2 (f1) and amends proposed GS 15A-1344(e2) to refer to the electronic monitoring requirements of new Part 5. Deletes proposed GS 15A-1380.6 (which set forth similar monitoring standards). Decreases 2006-07 appropriation from the General Fund to the Department of Correction from \$1,307,218 to \$771,539 and requires that funds be used to implement electronic monitoring systems to supervise up to 100 (was, 300) offenders.

Source: Bill Digest H.B. 1902 (05/10/2006)

## **ASSUMPTIONS AND METHODOLOGY:**

### Department of Correction/Division of Community Corrections—Development and Operation of a Global Positioning System to Monitor Sex Offenders

The second edition of HB 1902 mandates that DOC develop a Global Positioning System (GPS) for monitoring the highest risk sex offenders under DOC supervision. This would include probationers, parolees and offenders on post release who fall under any of the following categories: sexually violent predators, sex offender recidivists, and sex offenders convicted of aggravated offenses as identified in G.S. 14-208.6. This group has been commonly called the Tier 1, or the highest risk sex offenders, since they are also lifetime registrants on the NC Sex Offender Registry.

Based on FY 04/05 admissions/entries to probation, parole, and post release for these Tier 1 sex offenders, and a start date of January 1, 2007 for the GPS, the DOC assumes approximately 50 offenders would be covered under this bill in FY 06/07 and 150 by FY 07/08. For the remaining out years, DOC assumes 100 admissions/entries a year as a baseline number with a 2% growth rate annually.

The estimated cost for FY 06/07 is \$771,539 and \$1,236,448 for FY 07/08. Fiscal Research believes these figures are reasonable, particularly given DOC's recent experience pilot testing a GPS system for sex offenders using grant funds. The cost estimates are based on the following assumptions:

- Positions and funding effective July 1, 2006 while the program effective date is January 1, 2007. This reduces a portion of the FY 06/07 costs to account for only 6 months operation of the GPS system (reduces overtime pay, cost per day for monitoring and so on)
- Five positions would be needed to operate the system 24 hours a day – an administrator and four administrative processing assistants
- Contract cost for GPS vendor for equipment, maintenance, technical support and monitoring services. A major component of these costs is the GPS monitoring itself. Active GPS (24 hour real time) will be used to monitor 90% of offenders (90 cases) at \$9.00 a day. Passive GPS (daily log read every 24 hours) will be used for 10% of offenders at a cost of \$4.50 a day
- Twelve lower level probation officer positions would be reallocated to intermediate officers in order to generate more qualified officers to supervise high risk sex offenders
- Overtime and on-call pay for officer is included in the estimate since the GPS monitoring will require being on call 24 hours

Department of Correction –Offender Fee

*(NOTE: This section is revised to reflect that fees are one-time fees. Previous estimates mistakenly assumed fee was annual).*

HB 1902 2nd edition establishes a \$90 one time fee to be charged to each offender. These funds will be allocated to the General Fund. The fee is the same fee charged to offenders put on electronic monitoring.

The maximum amount collected the first year would be \$4,500 (50 offenders times \$90) and \$9,000 (100 offenders times \$90) in FY 07/08. However, it is unlikely that the full amount will be collected. The regular electronic monitoring fee was established in FY 04/05 and collections have been low. However, it is anticipated that collection of this new fee could be at least 50%, given that HB 1902 gives offenders some opportunity to pay the fee on a payment schedule, like regular probation fees. The estimated rate of collection for regular probation fees is approximately 50%.

For purposes of this fiscal note, a 50% collection rate is assumed and detailed in the box on page 1 of this Note. FY 06/07 figure would be \$2,250 (50 offenders times \$90 times .50). FY 07/08 figure of \$4,500 assumes 100 new offenders at \$90 times .50.

**SOURCES OF DATA:** Department of Correction

**TECHNICAL CONSIDERATIONS:** None

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