

## **SEX OFFENDER REGISTRATION FEE**

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### **Senate Bill 1167**

**Sponsor: Senator Bev Hammerstrom**

**Committee: Appropriations**

**Complete to 05-17-04**

### **A SUMMARY OF SENATE BILL 1167 AS PASSED BY THE SENATE**

Senate Bill 1167 would amend the Sex Offenders Registration Act by requiring individuals who are convicted of an offense listed under the act to pay a one-time \$35 registration fee and an additional \$25 "change-of-data" fee when a change in the information of a registrant necessitates a revision of the sex offender registry database.

The bill would require the Department of State Police, by December 1, 2004, to mail a notice to each individual registered and not in a state correctional facility explaining the requirement and procedure for paying the registration fee and any change-of-data fee. The Department of Corrections is required to provide those individuals registered and in a state correctional facility with a notice explaining the requirement and procedure for paying the fees upon their release.

These fees could be collected by a court, local law enforcement agency, sheriff's department, or department post. The bill would require that the \$35 registration fee be distributed in the following way: \$25 would be forwarded to the Department of State Police to be deposited in a Sex Offenders Registration Fund, which would be created in the Department of Treasury. The remaining \$10 would be retained by the collecting agency. The bill would require that the \$25 change-of-data fee be distributed in the following way: \$15 would be forwarded to the Department of State Police to be deposited in the Sex Offenders Registration Fund and \$10 would be retained by the collecting agency.

Money credited to the Sex Offender Registration Fund could only be used by the Department of State Police for training concerning, and the maintenance and automation of, the databases, compilation, and information required under the act. Money in the fund at the end of the fiscal year would remain in the fund and not lapse to the General Fund.

The bill provides that if an individual who was required to pay the registration or change of data fee were indigent, the registration fee would have to be temporarily waived. An individual who willfully refused or failed to pay either fee would be guilty of a misdemeanor punishable by imprisonment for up to 90 days.

The bill would take effect on October 16, 2004.

**FISCAL IMPACT:**

The bill could generate up to \$770,000 in sex offender registration fee revenue during the first year in which the bill would take effect. Of the 34,225 individuals currently registered under the Sex Offenders Registration Act, 11,895 individuals are incarcerated and, thus, would not be subject to the fees under the bill until their release from prison.

In subsequent years, the bill could collect approximately \$122,500 in potential fee revenue. The Department of State Police estimates that an average of 3,000-4,000 new registrations would occur each year and at least 130 individuals would be released during a year.

The collection rate of the fees would depend on several factors and there is a great potential for less than optimal level of collection. The Department of State Police currently budgets \$332,000 GF/GP and 2.0 FTEs to fund the administration of the act. Both the Department of State Police and the Department of Corrections could incur additional administrative costs under this act to provide notices of the registration fee and the change-of-data fee to the offenders.

The \$25 of the \$35 registration fee forwarded to the Department of State Police would result in approximately \$558,000 to be used in support of the administration of the act for the first year of the bill's effect and \$87,500 in subsequent years, and could allow the Department to use GF/GP dollars that had supported the Sex Offenders Registry for other department functions.

The \$10 of the \$35 fee that would be retained by the collecting agency, which would total approximately \$220,000 during the first year and \$35,000 annually thereafter, could be used to offset the costs of administering the act by that agency.

The bill would result in an indeterminate amount of revenue from the proposed \$25 change-of-data fee. The Department of State Police reports that it is not possible to determine how many times during a year data changes are made to the sex offenders registry database. Revenue from the change-of-data fee could be considerable, as this group of offenders is considered to be a highly transient population with frequent changes in addresses. However, compliance with change of data requirements among this group of offenders has proven problematic.

It is not known how many registrants would qualify as "indigent" and thus be eligible for temporary waiver of the registration fee. The bill also provides that an individual who willfully refused to pay a fee would be guilty of a misdemeanor. Local units would have to incur any additional costs of misdemeanor incarceration in a local facility, which would vary by each county.

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