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BILL ANALYSIS

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Senate Bill 1167 (Substitute S-1 as reported)  
Sponsor: Senator Bev Hammerstrom  
Committee: Appropriations

### **CONTENT**

The bill would amend the Sex Offenders Registration Act by requiring individuals who must be registered under the Act to pay a one-time \$35 registration fee and an additional \$25 "change of data fee" when information a registrant is required to report necessitates a revision of the sex offender registry data base. Those convicted of a listed offense under the Act would have to pay the \$35 fee before sentencing, at the same time that an individual is currently required to register under the Act. The bill would require the Department of State Police, by December 1, 2004, to mail a notice to each individual currently registered and not in prison, explaining the requirement and procedure for paying the registration fee and the change of data fee. The bill also would require the Department of Corrections to provide those individuals currently registered and in a State correctional facility with a notice explaining the requirement and the procedure for paying the fees upon their release.

The revenue from these fees could be collected by a court, local law enforcement agency, sheriff's department or State Police Post, in a form or means provided by the Department of State Police. Verification of payment would have to be sent to the Department of State Police for addition to its data bases. The bill would require that the \$35 registration fees collected be distributed in the following way: \$10 of the fee would be retained by the receiving agency and \$25 would be forwarded to the Department of State Police to be deposited in a "Sex Offenders Registration Fund" to be created in the Department of Treasury under the bill; for the \$25 change of data fee the split between the collecting agency and the State would be \$10 and \$15, respectively.

Money credited to the Sex Offender Registration Fund could be used by the Department of State Police only for training concerning, and the maintenance and automation of, the computerized data base of registrations, compilation, and notices 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.

MCL 28.724 et al.

### **FISCAL IMPACT**

The bill could result in the potential generation of approximately \$770,000 in sex offender registration fee revenue during the first year in which the bill's provisions were in effect. In

subsequent years, approximately \$122,500 in potential fee revenue could be expected to be collected. As of this date, 34,225 individuals are registered under the Sex Offenders Registration Act. Those currently on the registry who are incarcerated number 11,895, and would not be subject to the fees under the bill until their release from prison.

In addition, the Department of State Police estimates that an average of 3,000-4,000 new registrations occur each year. It also should be noted that any registered sex offenders who had not yet paid the fee because of their incarcerated status, and were released during the year, also would be subject to the fee. Though the number of those who fall into this category is not known precisely, it is estimated to be a least 130 or so per year.

The impact of the fee collections on the funding for the sex offenders registration unit within the Department of State Police would be considerable. The Department currently budgets \$332,000 GF/GP and 2.0 FTEs to fund the unit, which is responsible for the administration of the Act. The contribution of \$25 per \$35 registration fee collected to the Department of State Police would result in approximately \$550,000 to be used in support of this purpose 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 data base. Revenue from the change of data fee proposal has the potential of being considerable, as the Department considers this group of offenders a highly transient population with frequent changes in addresses, yet compliance with change of data requirements among this group has proven problematic at best. Of whatever was collected, \$10 of the \$25 fee would be retained by the collecting agency and the remaining \$15 would be deposited, along with contributions from the registration fee revenue, into the Sex Offender Registry Fund.

The collection rate of the fees proposed by the bill would depend upon several factors, not the least of which is the successful notification and response of those currently registered. Also, it is not known how many registrants would qualify as "indigent" and thus would not be required to pay the fees. It is also unclear, when a fee was assessed before sentencing, how the fee would fit within the hierarchy of the costs, fines, and assessments that are given priority for collection under the Code of Criminal Procedure.

The bill also provides that an individual who willfully refused to pay a fee would be guilty of a misdemeanor. Local units would incur any additional costs of misdemeanor probation or incarceration in a local facility, both of which vary by county, associated with the proposed offense.

Date Completed: 4-30-04

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.