

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 1926

PRINTER'S NO. 4390

AMOUNT
\$120,000 Annual Costs

FUND
General

DATE INTRODUCED
August 12, 2009

PRIME SPONSOR
Representative R. Taylor

HISTORY OF BILL

Referred to JUDICIARY, Aug. 12, 2009
Reported as amended, May 25, 2010
First consideration, May 25, 2010
Laid on the table, May 25, 2010
Removed from table, May 26, 2010
Re-committed to APPROPRIATIONS, May 26, 2010
Re-reported as committed, June 7, 2010
Second consideration, with amendments, June 7, 2010
(Remarks see House Journal Page), June 7, 2010
Third consideration and final passage, June 8, 2010 (195-0)
In the Senate
Referred to JUDICIARY, June 9, 2010
Reported as committed, June 29, 2010
First consideration, June 29, 2010
Laid on the table, July 3, 2010
Removed from table, Sept. 22, 2010
Second consideration, Sept. 27, 2010
Re-referred to APPROPRIATIONS, Sept. 27, 2010
Re-reported as amended, Sept. 28, 2010

DESCRIPTION AND PURPOSE OF BILL

House Bill 1926 amends the provisions of Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the registration of sexual offenders.

This legislation requires transients to register their "habitual locale" (as defined in Title 42 Pa.C.S. §9792) and out-of-state offenders subject to lifetime registration requirements to register when they move into Pennsylvania, and makes clear that offenders required to register under a previous statute are subject to the Crimes Code provisions for not registering. The bill also makes changes relating to the powers and duties of the Pennsylvania State Police and the Pennsylvania Board of Probation and Parole.

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A "transient" is an individual who must register but who does not have a residence and is present in Pennsylvania for seven or more consecutive days. An offender or sexually violent predator (SVP) that provides an intended residence shall be considered a transient if he is not living at the registered intended residence within seven days. "Habitual locale" is a place where a transient can be located during the day and night such as parks, public buildings, restaurants and libraries. A transient shall be required to provide an address unless the habitual locale does not have an address, in which case the transient must provide a specific description of the place. A transient shall also provide a place where the transient is able to receive mail including a post office box. In addition to other verification requirements, a transient shall appear every 30 days at an approved registration site to update or verify registration information and his status as a transient and, at the discretion of the approved site, to be photographed. The information that must be available on the Internet website shall include, in the case of a transient, any habitual locale.

The Crimes Code provisions are amended to clarify that the criminal penalties for failing to registry apply to offenders who were required to register under former 42 Pa.C.S. §9793. The Crimes Code provisions are amended to add the reference necessary to bring under those provisions out -of-state offenders who move to Pennsylvania and have lifetime registration requirements. In addition, failure of a SVP to comply with the counseling requirements is a criminal violation. Offenders and SVP's shall inform the Pennsylvania State Police within 48 hours of becoming a transient or entering, being released or transferred from a Federal, State, county, municipal or private correctional facility due to arrest, detainer, parole violation, probation violation, or sentence of incarceration if the person's stay in the facility exceeds 48 hours. The State Police shall have standing and shall be a party to any proceeding brought by an individual to be removed from or contesting inclusion in the registry; and any proceeding to modify a court order concerning the terms of an individual's registration. The State Police may certify and send to any authorized user (district attorney, law enforcement) a certification of the record maintained by the State Police regarding the registration and verification history of an offender.

If a SVP can prove to the court that his income and support is such that he cannot afford to pay for counseling sessions, the SVP still must attend the counseling sessions. The Pennsylvania Board of Probation and Parole shall pay the counseling fees for sexually violent offenders who are indigent. The parole board may request that the court review the SVP's indigent status to determine whether the individual remains eligible for funded counseling sessions.

FISCAL IMPACT:

The Pennsylvania State Police have indicated that any costs incurred by the passage of this legislation would be minimal and would be absorbed within the agency's general government operations.

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According to the Pennsylvania Board of Probation and Parole (PBPP), in May of this year there were 2,050 SVPs as determined by the court that PBPP has record of (the courts do not always send the info to the Sexual Offenders Assessment Board (SOAB)). Of this total, approximately 200 are released per year. The PBPP anticipates that 15% will be declared indigent. Sex offender treatment includes an initial evaluation, polygraph, group therapy and individual therapy. The estimated costs are \$4,000 per year/per offender. If the PBPP were to pay for all 30 (15%) of the indigent SVPs, the total costs would be \$120,000 per year.