

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 1183

PRINTER'S NO. 1778

AMOUNT

\$1.7 million **State Costs**
\$1.1 million annual **Federal Savings**

FUND

General Fund

DATE INTRODUCED

June 28, 2011

PRIME SPONSOR

Senator Ori

HISTORY OF BILL

Referred to JUDICIARY, June 28, 2011
Reported as amended, Oct. 25, 2011
First consideration, Oct. 25, 2011
Second consideration, Oct. 26, 2011
Re-referred to APPROPRIATIONS, Oct. 26, 2011
Re-reported as amended, Nov. 14, 2011

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 1183 brings Pennsylvania into compliance with the federal Sex Offender Registration and Notification Act, part of the Adam Walsh Act. Pennsylvania must bring its law into "substantial compliance" or suffer a 10% reduction in its Byrne Justice Assistance Grant program.

The legislation makes the following changes to Pennsylvania's Megan's Law:

- (1) groups offenders into multiple classifications, depending on the severity of the offense;
- (2) increases the amount of information collected from each offender;
- (3) extends the registration requirement to juvenile offenders who commit rape, involuntary deviate sexual intercourse, aggravated indecent assault, or an attempt or conspiracy to commit these offenses;
- (4) expands the list of sexually violent offenses subject to the law;
- (5) recaptures back into Megan's Law offenders with prior convictions for sexual offenses but not currently subject to registration, if the offender re-enters the criminal justice system because of a felony;
- (6) requires notification to the federal government if the offender intends to travel abroad;
- (7) increases the frequency with which an offender is required to verify his registration information;
- (8) requires that Pennsylvania include more information about offenders on its Internet website;

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(9) mandates that the Pennsylvania State Police communicate registration information with federal, state and local police departments more quickly than its currently required; and

(10) requires transient sexual offenders to register and update their registration information, which will also solve the problem identified in *Commonwealth v. Wilgus*, 975 A.2d 1183 (Pa. 2009).

While much of the legislation addresses Adam Walsh compliance, the legislation also:

- maintains Pennsylvania's Sexual Offender Assessment Board;
- maintains the designation of sexually violent predators and traditional door-to-door community notification for sexually violent predators; and
- provides written notification to victims of sexually violent predators unless the victim opts for electronic notification.

The bill also addresses several Megan's Law court cases and Act 21 delinquent sexual offenders who are civilly committed for treatment under 42 Pa.C.S. Ch. 64.

FISCAL IMPACT:

42 U.S.C. § 16925(a) sets forth a penalty for jurisdictions that fail to substantially implement Title I of the Adam Walsh Child Protection and Safety Act of 2006, also known as the Sex Offender Registration and Notification Act (SORNA):

“For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, to substantially implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).”

Thus, a registration jurisdiction that fails to substantially implement SORNA will realize a 10% reduction in its Byrne JAG formula funds.

Pennsylvania currently qualifies for annual awards under the Byrne JAG formula for an estimated \$11.4 million. Therefore, the Commonwealth will be subject to the reduction of Byrne JAG funds in an estimated amount of \$1.1 million if it fails to substantially implement the requirements of SORNA.

According to the Pennsylvania State Police (PSP), the implementation of this legislation would require the PSP to incur approximately \$3.7 million in costs for significant upgrades to equipment and server infrastructures, staffing, training and software development. Approximately \$3.2 million of these costs would be non-recurring and would be offset by \$2 million in Federal grants. This would allow the PSP to establish two “full registration/verification” sites and one “verification only” site within each county across the Commonwealth (except for the two counties which do not have a PSP installation).