

(Return in triplicate) FISCAL NOTE

Bill/Resolution No.: SB 2574 Amendment to: \_\_\_\_\_

Requested by Legislative Council Date of Request: 3-4-91

Please estimate the fiscal impact of the above measure for:

State general or special funds  Counties  Cities

In the following space note the fiscal effect in dollars of this measure:

Narrative:

The tasks and responsibilities of the various participants in this bill are listed below. In each case, the fiscal implications are discussed and, where possible, estimates are made of the fiscal impact.

Courts

I. Responsibilities/Tasks

1. May impose requirement to register;
2. When person being required to register is released directly from a court and not from an institution or facility of confinement:
  - a. Inform person of registration requirement;
  - b. Require person to read and sign acknowledgement form;
  - c. Obtain intended address of person;
  - d. Report address to Attorney General (within 3 days);
  - e. Distribute acknowledgement form to person and to Attorney General (2 copies).

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State Fiscal Effect:

<u>1991-92</u>		<u>1992-93</u>		<u>Biennium Total</u>	
<u>General Fund</u>	<u>Special Funds</u>	<u>General Fund</u>	<u>Special Funds</u>	<u>General Fund</u>	<u>Special Funds</u>
\$13,675		\$9,200		\$22,875	

County and City Fiscal Effect:

<u>1991-92</u>		<u>1992-93</u>		<u>Biennium Total</u>	
<u>Counties</u>	<u>Cities</u>	<u>Counties</u>	<u>Cities</u>	<u>Counties</u>	<u>Cities</u>
\$400	\$400	\$400	\$400	\$800	\$800

If additional space is needed, attach a supplemental sheet.

Signed *Robert J. Helten*

Typed Name Robert J. Helten

Date Prepared: 3/8/91

Department Attorney General, BCI

Phone Number 221-6180

3. Impose mandatory minimum 90-day jail term and 1-year probation for violations of this section;
4. Revoke probation and parole, if applicable, of persons who fail to register.

## II. Fiscal Implications

Since the courts have the option of requiring registration, the additional work generated by the provisions of this bill is directly controlled by the courts. It is noteworthy that if a court chose to impose the registration requirement, however, future options are minimized, i.e., the registration provisions would apply for life and any violation of those provisions would result in a minimum mandatory sentence and revocation of parole/probation. The courts could find themselves devoting considerable staff hours to these activities if they choose to impose the registration in many cases. The cost of staff time is impossible to estimate simply because judges can choose to avoid any of the probable impact by not imposing the registration requirement.

There is no specific provision in the bill for the court to inform institutions or facilities of confinement that certain persons are subject to the registration requirements. In reality, these facilities or institutions would need a clear directive from the court to initiate the paperwork process which requires the individual to register. This directive or notification from the court would require additional staff time and would entail mailing expenses.

## Facilities/Institutions of Confinement

### I. Responsibilities/Tasks

1. Inform persons on whom the court has imposed the registration requirement of the duty to register;
2. Require such persons to read and sign an acknowledgement form provided by the Attorney General;
3. Obtain person's intended address;
4. Report intended address to the Attorney General;
5. Provide copy of acknowledgement form to the subject of that form and mail 4 copies to the Attorney General (at least 45 days prior to scheduled release);
6. Notify appropriate law enforcement agencies when person subject to registration is temporarily released into that law enforcement jurisdiction.

### II. Fiscal Implications

As with the courts, there would be staff time required to perform the duties of informing individuals, acquiring



signatures and addresses, and forwarding copies to the Attorney General. There would also be mailing expenses.

## Attorney General

### I. Responsibilities/Tasks

1. Prepare and provide a form to be used for acquiring a subject's acknowledgement that he/she is required to register according to the provisions of this bill and to indicate an intended place of residence;
2. Receive forms from the courts and facilities or institutions of confinement and forward to law enforcement agencies in intended places of residence, prosecuting state's attorneys, and prosecuting courts (30 days prior to discharge);
3. Forward change of address information between agencies when subjects change jurisdictions of residence;
4. Maintain files of registrants.

### II. Fiscal Implications

1. A 5-part NCR form would be required and would probably be printed in a lot of 5,000 forms. These forms would have to be distributed to all law enforcement agencies in the state and all county and district courts. It is assumed that one form could be devised for both the acknowledgement by the individual and for providing address information, but this one form would then have to be distributed to all law enforcement agencies and not only to confinement facilities. Distribution is necessary even though many agencies may never actually use the forms. Costs for printing and distribution are estimated to be: printing 5,000 5-part NCR forms = \$575; mailing 5,000 forms = \$400.

Institutions and facilities of confinement personnel would require some instruction in what is required of them in completing their responsibilities with regard to the bill. An instructional document would have to be prepared presumably by the Attorney General's staff and would have to be printed, distributed, and included in training sessions. This activity is estimated to cost approximately \$1,000 per year.

If the courts choose not to impose the registration requirement, the actual workload generated in local and state agencies would be insignificant. If, however, they choose to impose it in every possible case, the numbers of registrants could be very significant. Determination of that number is not possible because current available statistics focus primarily on the offense and offender, and this bill

focuses on the victim as the main criteria in selecting those offenders to include in the potential target population (i.e., we know how many assaults were reported to law enforcement in North Dakota, and how many arrests were made for those assaults, but we do not know in how many of those assaults the victim was a child). The new Incident-Based Reporting System begun in North Dakota in 1990 will provide that kind of victim data in the future, but it is not currently available.

If there were 200 such cases per year, within 5 years the file would grow to 1,000 persons whose whereabouts would have to be tracked and whose violations would have to be processed by informing courts and continuously updating records. It would initially require as much as a half-time position, manual files, and preferably a computer file to maintain data on names, addresses, cognizant agencies, etc. Within a few years, it could conceivably require a full-time position. Costs for these items are as follows: 1 half-time clerical position including benefits = \$7500 per year; office equipment including personal computer = \$3,500; operating expenses including postage = \$700 per year.

## Law Enforcement Agencies

### I. Responsibilities/Tasks

1. Receive signed acknowledgement forms from the Attorney General;
2. Perform registration tasks:
  - a. Fingerprint subjects;
  - b. Photograph subjects;
  - c. Acquire signed statement from subjects.
3. Send registration documents to the Attorney General (within 3 days after registration);
4. Send change of address information to the Attorney General (within 3 days of receipt).
5. Locate and investigate persons who failed to register or are otherwise in violation of this section.

### II. Fiscal Implications

Law enforcement agencies would be required to maintain a file of registered persons. They would fingerprint and photograph and acquire statements from subjects and mail those materials to the Attorney General. Fingerprint cards are provided by the Bureau of Criminal Investigation, but the photograph expenses would be borne by the local agencies as would mailing expenses. Based on an arbitrary assumption of 200 registrations per year, photographing and mailing expenses would likely be approximately \$800 per year for local agencies.



Prosecuting State's Attorney

I. Responsibilities/Tasks

1. Receive signed acknowledgement forms from the Attorney General;
2. Prosecute persons who are in violation of the provisions of this section.

II. Fiscal Implications

State's attorneys would maintain a file of registered persons but should not encounter any real expenses.