



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

December 15, 2005

S. 1086

A bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses

As reported by the Senate Committee on the Judiciary on October 20, 2005

SUMMARY

S. 1086 would place additional requirements on states and Indian tribes to establish or maintain registration programs for persons convicted of sex offenses. The bill would authorize the appropriation of necessary sums for fiscal years 2006 through 2009 for the Department of Justice (DOJ) to make grants to cover the costs of meeting these new requirements and existing federal requirements for sex-offender registration programs. (Most states have such programs, and current law authorizes the appropriation of such sums as necessary through 2007 to cover the costs of compliance with those requirements.) In addition, S. 1086 would direct DOJ to carry out certain activities relating to identifying and tracking sex offenders and would establish several grant programs to combat sex offenses.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 1086 would cost about \$530 million over the 2006-2010 period. About \$220 million of this total would be for the U.S. Marshals Service to assist states in finding and apprehending sex offenders. Enacting the bill could affect direct spending and receipts, but CBO estimates that any such effects would not be significant.

S. 1086 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by requiring Indian tribes that choose not to establish registries of sex offenders to delegate that authority to nearby states to provide such services. CBO estimates that the cost, if any, of that mandate would be small and well below the threshold established in that act (\$62 million in 2005, adjusted annually for inflation).

The bill also would authorize new grants for state, local, and tribal governments for monitoring and tracking sex offenders. CBO estimates that \$300 million would be available over fiscal years 2006-2010 for those governments to meet new requirements and establish new programs, assuming appropriation of the estimated amounts.

S. 1086 would impose private-sector mandates, as defined in UMRA, on individuals who have been convicted of certain sex offenses. CBO estimates that the aggregate direct costs of the mandates would be not be large and would fall well below the annual threshold established by UMRA for private-sector mandates (\$123 million in 2005, adjusted annually for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budget impact of S. 1086 is shown in the following table. The cost of this legislation falls within budget function 750 (administration of justice).

BASIS OF ESTIMATE

For this estimate, CBO assumes that the bill will be enacted near the start of calendar year 2006. CBO estimates that implementing S. 1086 would cost about \$530 million over the 2006-2010 period, assuming appropriation of the necessary funds. We also estimate that enacting the bill could increase both direct spending and receipts, but any such effects would not be significant in any year.

Spending Subject to Appropriation

For this estimate, CBO assumes that the necessary amounts will be appropriated near the start of each fiscal year and that spending will follow historical spending patterns for these or similar activities.

Grants to States and Indian Tribes to Meet Requirements for Sex-offender Programs.

S. 1086 would authorize the appropriation of necessary sums for fiscal years 2006 through 2009 (except as noted below for the program to monitor violent sex offenders) for DOJ to make grants to states and Indian tribes to help them meet the federal requirements for sex-offender registration programs. CBO estimates additional grants for this purpose would cost about \$85 million over the 2006-2010 period, assuming that the necessary appropriations will be made for each of fiscal years 2006 through 2009 and that spending would occur over the 2006-2010 period.

	By Fiscal Year, in Millions of Dollars				
	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION^a					
Spending Under the Current Baseline for the Federal Prison System and for Programs Affected by S. 1086					
Estimated Authorization Level ^b	4,951	5,104	5,259	5,427	5,600
Estimated Outlays	5,104	5,140	5,294	5,431	5,591
Proposed Changes:					
Grants to States and Tribes					
Estimated Authorization Level	22	20	25	25	10
Estimated Outlays	5	14	22	23	21
Additional DOJ Costs					
Estimated Authorization Level	112	124	129	64	66
Estimated Outlays	45	86	108	107	97
Total Changes					
Estimated Authorization Level	134	144	154	89	76
Estimated Outlays	50	100	130	130	118
Spending Under S. 1086					
Estimated Authorization Level	5,085	5,248	5,413	5,516	5,676
Estimated Outlays	5,154	5,240	5,424	5,561	5,709

NOTE: * = less than \$500,000.

- a. In addition to the amounts shown above, enacting S. 1086 also could affect revenues and direct spending, but CBO estimates that any such effects would not be significant in any year.
- b. For the federal prison system, figures over the 2006-2010 period are CBO's September baseline estimate for those programs, constructed by adjusting the 2005 level for anticipated inflation. For the programs affected by the bill, current law authorizes the appropriation of such sums as are necessary for fiscal years 2006 and 2007 for DOJ to make grants to states to comply with federal regulations for sex-offender registration programs. We estimated those amounts by adjusting the 2005 level for anticipated inflation. Appropriations for those programs for fiscal year 2006 have been enacted, and they are very similar to those in the CBO September baseline for that year.

Registries and Web sites for Indian Tribes. S. 1086 would authorize Indian tribes to establish and maintain sex-offender registries and public Web sites that provide specific information about sex offenders; states are already required to have such registries and Web sites. There are about 550 Indian tribes nationwide, and we estimate that about one-third (roughly 200) would opt to carry out this provision. CBO estimates that each of those Indian tribes would have to spend, on average, about \$5,000 to establish a Web site and \$5,000 to \$10,000 to establish the registry, with smaller amounts required in subsequent years to maintain these

programs. In addition, we expect that about 100 of the larger tribes would need to hire or contract for one person to manage the Web site and registry. Assuming that the total annual salary and benefits for those positions would be, on average, \$50,000, then the cost for the additional staff would be about \$5 million annually over the 2006-2009 period. Thus, we estimate that it would cost a total of about \$25 million over the 2006-2010 period for DOJ to give grants to Indian tribes and territories for those additional requirements.

Monitoring of Certain Sex Offenders. Currently, 19 states hold civil commitment proceedings for violent sex offenders after they have been released from prison; as a result of such proceedings, many offenders are then held in other facilities. S. 1086 would require those states to intensely monitor, for at least one year, violent sex offenders who have been unconditionally released from custody. The bill would authorize the appropriation of such sums as necessary for each fiscal year to carry out this provision. Based on the costs incurred by the state of California to carry out a similar monitoring program—about \$4 million each year—and the number of sex offenders in California relative to the number of offenders in the other states with civil commitment proceedings, CBO estimates that this provision would cost about \$40 million over the 2006-2010 period.

Verification of Registration by Sex Offenders. S. 1086 would require sex offenders to appear before state agencies at least once a year to verify their registration information. Based on information from the National Center for Missing and Exploited Children, we estimate that about 450,000 sex offenders nationwide would be affected by this provision. Because of the large number of offenders affected, we expect that about 40 states would need to hire additional staff to handle this duty. Assuming that each of those states would need two additional staff members whose annual salary and benefits would be, on average, \$50,000, we estimate this provision would require funding of \$17 million over the 2006-2009 period.

Extension of Current Spending on Sex-Offender Programs. Current law authorizes the appropriation of such sums as necessary for fiscal years 2006 and 2007 for DOJ to make grants to states to cover the costs of complying with the existing federal requirements for sex-offender registration programs. In 2006, the amount appropriated for this purpose was about \$5 million. Because the bill would authorize such sums as necessary for 2007 through 2009 to cover the costs for the registration programs, CBO estimates that implementing S. 1086 would cost about \$5 million in each of fiscal years 2008 and 2009 to continue to cover states' costs for the current requirements for sex-offender programs.

Additional DOJ Costs. S. 1086 would direct DOJ to carry out certain activities relating to identifying and tracking sex offenders and would establish several grant programs to combat sex offenses. CBO estimates that those new responsibilities would cost about \$440 million over the 2006-2010 period, assuming appropriation of the necessary amounts.

Costs for U.S. Marshals. The bill would require the U.S. Marshals Service to assist states in finding and apprehending sex offenders who violate registration requirements. According to the National Center for Missing & Exploited Children, there are about 100,000 sex offenders whose whereabouts are unknown to local law enforcement. According to the U.S. Marshals Service, in fiscal year 2004, the agency received almost 95,000 total warrants and resolved close to 90 percent of them. The agency expects that it would need to hire 350 new Marshals to take a lead role in executing a significant number of additional warrants for unregistered sex offenders. CBO estimates that the additional Marshals would cost \$24 million in fiscal year 2006 and \$220 million over the 2006-2010 period, including costs for space, training, supervision, and support staff.

Grants to Law Enforcement Agencies. S. 1086 would authorize funding for fiscal years 2006 through 2008 for DOJ to make grants to law-enforcement agencies to combat sexual abuse of children. These grants could be used for various purposes, including hiring additional personnel, and could be made to law-enforcement agencies serving jurisdictions with 50,000 or more residents. The grants could also be made to agencies serving smaller jurisdictions based upon need.

According to the 2000 U.S. Census, a total of 1,500 cities and counties have populations exceeding 50,000. Based on the distribution of similar grants administered by DOJ, CBO expects at least half of these jurisdictions would apply for this program. Assuming that half of these jurisdictions receive grants averaging \$75,000 each year under S. 1086, then this provision would require funding of \$55 million annually over the 2006-2008 period. Assuming appropriation of those amounts, CBO estimates that outlays for such grants would total \$145 million over the 2006-2010 period.

DOJ Grant Programs. S. 1086 would authorize the appropriation of specific levels of funding for three new DOJ programs:

- \$10 million annually over the 2006-2008 period for grants to state and local governments to carry out programs to outfit sex offenders with electronic monitoring units;
- \$7.5 million annually over the 2006-2010 period for grants to the American Prosecutors Research Institute for training programs related to child abuse cases; and
- \$3 million for the National Institute of Justice in DOJ to conduct a comprehensive study on sex offenders.

CBO estimates that carrying out those three grant programs would cost \$52 million over the 2006-2010 period, assuming appropriation of the authorized amounts.

Treatment of Sex Offenders in Federal Prisons. S. 1086 would direct the Bureau of Prisons to establish programs to treat, monitor, and supervise sex offenders in federal custody. Based on similar programs carried out by the bureau, we estimate that implementing this provision would cost about \$5 million annually.

Other Programs. This legislation contains several other provisions that would increase DOJ spending, assuming the availability of appropriated funds. The bill would require the department to develop computer software to assist states and Indian tribes in managing their sex-offender registries, direct DOJ to provide access to criminal history records in certain cases involving child abuse, and authorize DOJ to offer small bonus payments to jurisdictions that comply with the bill's provisions promptly. Based on the costs of similar software programs, the anticipated need for access to criminal history records, and the anticipated rate of compliance with the bill's mandates, CBO estimates that implementing those provisions would cost about \$2 million over the 2006-2010 period.

Direct Spending and Receipts

S. 1086 would establish new and increased criminal penalties for various crimes involving sexual abuse. Thus, the federal government might collect additional fines if the bill is enacted. Collections of criminal fines are deposited in the Crime Victims Fund and later spent. CBO expects that any additional receipts and direct spending would not be significant.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S. 1086 would impose an intergovernmental mandate as defined in UMRA by preempting the authority of tribal governments. It would require Indian tribes that choose not to establish registries of sex offenders to delegate that authority to nearby states to provide such services. In addition, that authority would automatically transfer to states if the Attorney General determines that a tribe is unable to meet the requirements of the registry provisions of this bill. CBO estimates that the cost, if any, of that mandate would be small and well below the threshold established in that act (\$62 million in 2005, adjusted annually for inflation).

The bill would create grants for state, local, and tribal governments to increase monitoring and tracking of sex offenders. It would authorize the appropriation of such sums as necessary for fiscal years 2006 through 2009 for those governments to meet new voluntary federal requirements for sex-offender programs. CBO estimates that grants to those governments would total nearly \$100 million over the 2006-2010 period for the creation of new registries, intense monitoring of certain offenders, and in-person registration. State governments also would benefit from the authorization of about \$200 million over the

2006-2008 period for electronic monitoring and a program to combat sexual abuse of children.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

S. 1086 would impose private-sector mandates, as defined in UMRA, on individuals who have been convicted of certain sex offenses. CBO estimates that the aggregate direct costs of the mandates would be not be large and would fall well below the annual threshold established by UMRA for private-sector mandates (\$123 million in 2005, adjusted annually for inflation).

The bill would impose new private-sector mandates by expanding the reporting requirements for individuals who have been convicted of certain sex offenses. Currently, certain sex offenders are generally required to register in person and provide information to state law-enforcement agencies. The bill would expand the information required for registration and the procedures that convicted sex offenders must follow in states participating in the grant program authorized by this bill. In particular, the bill would require such sex offenders to comply with the following requirements in each participating state where they reside, work, or attend school:

- Appear before persons designated by each participating state and submit to the taking of a photograph, at least once every 12 months;
- Submit to the taking of fingerprints, if a participating state does not possess a valid set of their fingerprints; and
- Provide registration information throughout their lives with on-going registration required every three, six, or twelve months depending on the seriousness of their convicted offense.

In addition, such sex offenders would be required to appear before persons designated by the participating state where they will reside, work, or attend school and provide notice within five days after each change of name, residence, employment, or student status. Based on information from government sources, CBO estimates that the incremental cost for convicted sex offenders to comply with the additional reporting requirements would be minimal.

PREVIOUS CBO ESTIMATE

On September 13, 2005, CBO transmitted a cost estimate for H.R. 3132, the Children's Safety Act of 2005, as ordered reported by the House Committee on the Judiciary on September 9, 2005. The two bills contain many different provisions, and the cost estimates reflect these differences. CBO estimated that implementing H.R. 3132 would cost about \$500 million over the 2006-2010 period, assuming appropriation of the necessary amounts.

Both bills would impose similar private-sector mandates related to additional reporting on convicted sex offenders. H.R. 3132 would impose an additional mandate by authorizing the Attorney General to collect DNA samples from individuals who have been arrested or detained for federal offenses under regulations to be established by the Attorney General. The aggregate direct cost of the mandates in both bills would fall below the annual threshold established by UMRA for private-sector mandates.

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