

CHILDREN'S SAFETY ACT OF 2005

SEPTEMBER 13, 2005.—Ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

SUPPLEMENTAL REPORT

[To accompany H.R. 3132]

This supplemental report shows the cost estimate of the Congressional Budget Office with respect to the bill (H.R. 3132), as reported, which was not included in part 1 of the report submitted by the Committee on the Judiciary on September 9, 2005 (H. Rept. 109-218, pt. 1).

SEPTEMBER 13, 2005.

Hon. F. JAMES SENSENBRENNER, JR.,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has completed the enclosed cost estimate for H.R. 3132, the Children's Safety Act of 2005.

The CBO staff contacts for this estimate are Mark Grabowicz (for federal costs); and Melissa Merrell (for the impact on state and local governments).

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 3132—Children's Safety Act of 2005

Summary: H.R. 3132 would place additional requirements on states, Indian tribes, and U.S. territories to establish or maintain registration programs for persons convicted of sex offenses. The bill would authorize the appropriation of such sums as necessary for fiscal years 2006 through 2008 for the Department of Justice (DOJ) to make grants to cover the costs of meeting these new require-

grams, and current law authorizes the appropriation of such sums as necessary through 2007 to cover the costs of compliance with those requirements.) H.R. 3132 also would direct DOJ to expand certain federal programs that identify and track the location of sex offenders. Finally, the bill would establish mandatory minimum prison sentences for a number of offenses related to sexual abuse.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 3132 would cost about \$500 million over the 2006–2010 period. Enacting the bill could affect direct spending and receipts, but CBO estimates that any such effects would not be significant.

H.R. 3132 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by eliminating the ability of states to opt out of federal requirements to conduct background checks and make alternative placements in the foster care program. CBO estimates that the cost of that mandate would not exceed the threshold established in UMRA (\$62 million in 2005, adjusted annually for inflation).

The bill also would add additional requirements for state, local, and tribal governments for them to receive full funding from three existing grant programs. CBO estimates that \$120 million would be available over fiscal years 2006–2010 for those governments to meet the new requirements and establish new programs, assuming appropriation of the estimated amounts. Any additional costs to those governments would be incurred voluntarily as a condition of receiving federal aid.

H.R. 3132 would impose private-sector mandates, as defined in UMRA, on individuals who have been arrested or detained for federal offenses and on individuals who have been convicted of or adjudicated for 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 H.R. 3132 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 beginning of fiscal year 2006. CBO estimates that implementing H.R. 3132 would cost about \$500 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 the historical spending patterns for these or similar activities.

	By fiscal year, in millions of dollars—					
	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION ¹						
Spending under current law for the Federal prison system and for programs affected by H.R. 3132:						
Estimated authorization level ²	4,793	4,951	5,104	5,259	5,427	5,600
Estimated outlays	5,025	5,105	5,140	5,294	5,431	5,591
Proposed changes:						
Grants to states, territories, and tribes:						
Estimated authorization level	0	42	16	21	0	0
Estimated outlays	0	16	24	19	14	7
Additional DOJ costs:						
Estimated authorization level	0	60	98	101	83	85
Estimated outlays	0	48	85	100	93	85
Federal prison system costs:						
Estimated authorization level	0	*	1	1	1	1
Estimated outlays	0	*	1	1	1	1
Total changes:						
Estimated authorization level	0	102	115	123	84	86
Estimated outlays	0	64	110	120	108	94
Spending under H.R. 3132:						
Estimated authorization level	4,793	5,053	5,219	5,382	5,511	5,686
Estimated outlays	5,025	5,169	5,250	5,414	5,539	5,684

¹ In addition to the amounts shown above, enacting H.R. 3132 also could affect revenues and direct spending, but CBO estimates that any such effects would not be significant in any year.

² The 2005 level is the amount appropriated for that year for the federal prison system and for the programs affected by H.R. 3132. For the federal prison system, figures over the 2006–2010 period are CBO's 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. The 2005 level also includes the amount appropriated for that year for the national DNA database and the national sex offender registry, both of which are maintained by DOJ.

Note.—* = less than \$500,000.

Grants to States, Indian Tribes, and Territories. H.R. 3132 would authorize the appropriation of such sums as necessary for fiscal years 2006 through 2008 for DOJ to make grants to states, Indian tribes, and U.S. territories to help them meet the federal requirements for sex offender registration programs. CBO estimates additional grants for this purpose would cost about \$80 million over the 2006–2010 period. (We assume that the necessary appropriations will be made for each of fiscal years 2006 through 2008 and that spending would occur over the 2006–2010 period.)

H.R. 3132 would require Indian tribes and U.S. territories 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; however, a total of about 550 Indian tribes and territories would be affected by this provision. CBO estimates that each territory and Indian tribe 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 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 2006–2008 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.

H.R. 3132 would require states, Indian tribes, and U.S. territories to verify the residence of certain sex offenders on a monthly

basis. Based on information from the Center for Sex Offender Management, CBO estimates that about 250,000 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 three additional staff members whose annual salary and benefits would be, on average, \$50,000, we estimate this provision would require funding of \$23 million over the 2006–2008 period. This total also includes amounts necessary to cover the costs of postage to contact offenders each month.

In addition, H.R. 3132 would require states, Indian tribes, and U.S. territories to collect DNA samples from sex offenders who have not already provided them. According to the National Center for Missing and Exploited Children, there are about 450,000 registered sex offenders nationwide whose whereabouts are known. It is estimated that roughly half of those individuals have already provided DNA samples. CBO estimates that jurisdictions would have to take DNA samples for a total of roughly 270,000 individuals (including new offenders) over the 2006–2008 period, at a cost of about \$100 per sample. Thus, we estimate that this provision would cost about \$27 million over the 2006–2010 period.

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 2005, the amount appropriated for this purpose was about \$5 million. Because the bill would authorize such sums as necessary for 2006 through 2008 to cover the costs for the registration programs, CBO estimates that implementing H.R. 3132 would cost about \$5 million in fiscal year 2008 to continue to cover states' costs for the current requirements for sex offender programs.

Additional DOJ Costs. H.R. 3132 would direct DOJ to expand some existing programs and establish new programs mostly related to the identification and tracking of sex offenders. CBO estimates that those new responsibilities would cost about \$410 million over the 2006–2010 period, assuming appropriation of the necessary amounts.

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.

H.R. 3132 would permit DOJ to collect DNA samples from persons arrested, detained, or convicted for violations of federal laws. Based on the number of individuals taken into federal custody in recent years, we estimate that about 250,000 persons annually would be affected by this provision. According to DOJ, it would cost

about \$100 to collect, process, and store a DNA sample. Thus, CBO estimates that it would require funding of \$25 million annually to carry out this provision.

This legislation would direct DOJ to carry out a demonstration project over fiscal years 2007 through 2009 to evaluate the effectiveness of electronic monitoring devices in sex offender management programs. The bill would limit the project to no more than 10 jurisdictions at one time. Based on the costs reported for similar projects, CBO estimates that it would cost about \$40 million over the 2007–2009 period to carry out demonstration projects in 10 jurisdictions.

H.R. 3132 would require DOJ to provide state child welfare agencies with access to its criminal information databases to carry out criminal history checks. Based on the number of background checks related to foster care cases that were conducted by states in recent years, we estimate that this provision would cost about \$5 million annually over the 2006–2010 period.

This legislation contains several other provisions that would increase DOJ spending, including requiring the department to develop computer software to assist states, Indian tribes, and territories in managing their sex offender registries and offering small bonus payments to jurisdictions that comply with the bill's provisions promptly. Based on the costs of similar software programs and the anticipated rate of compliance with the bill's mandates, CBO estimates that implementing those provisions would cost about \$3 million over the 2006–2010 period.

Federal Prison System. H.R. 3132 would establish mandatory minimum prison sentences for a wide range of offenses involving sexual abuse. The U.S. Sentencing Commission analyzed the impact on the federal prison population of the bill's provisions that would require minimum prison sentences. Based on this analysis, CBO estimates that the longer sentences required under the bill would increase the prison population by about 550 person-years over the 2006–2010 period. According to the Bureau of Prisons, for an increase in the federal prison population of this magnitude, it would spend about \$7,200 a year (at 2005 prices) to house each additional prisoner. CBO estimates that the cost to support those additional prisoners would total \$4 million over the 2006–2010 period.

Direct spending and receipts

H.R. 3132 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: H.R. 3132 would impose an intergovernmental mandate on states by eliminating their ability to opt out of federal requirements to conduct background checks and make alternative placements in the foster care program. While all states do background checks for placements, nine states do not automatically disqualify potential guardians for some offenses, as the bill would require. Consequently, the new requirement to make alternative placements

would be an intergovernmental mandate on state, local, and tribal governments as defined in UMRA. States would have to either forgo federal payments for placements that do not meet the new requirements or find alternative placements with guardians who have no disqualifying history. It is unclear what the affected states would choose, but CBO estimates that the costs of the provision would not exceed the threshold established in UMRA (\$62 million in 2005, adjusted annually for inflation).

The bill would add new requirements to existing grant programs for state, local, and tribal governments and would authorize the appropriation of such sums as necessary for fiscal years 2006 through 2008 for those governments to meet the new requirements. CBO estimates that the cost to those governments would be \$80 million over the 2006–2010 period for the creation of new registries, monthly verification of offender addresses, and collection of DNA. Costs would be incurred voluntarily as a condition of receiving federal aid.

Finally, some state governments would benefit from a provision to establish pilot programs to electronically monitor sex offenders. CBO estimates that \$40 million would be available over the fiscal years 2007–2009 for those programs.

Estimated impact on the private sector: H.R. 3132 would impose private-sector mandates, as defined in UMRA, on individuals who have been arrested or detained for federal offenses and on individuals who have been convicted of or adjudicated for certain sex offenses. CBO estimates that the aggregate direct costs of the mandates would 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 authorize 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 Attorney General also could authorize any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out the collection of such samples. Under current federal law, collection of a DNA sample from an individual who has been arrested or detained generally requires a finding of probable cause. According to information from government sources, the regulations established under this bill would most likely provide that the samples be collected at no cost to the individual. Therefore, CBO estimates that the direct cost of the mandate for individuals arrested or detained for federal offenses would be negligible, if any.

The bill also would impose new private-sector mandates by expanding the reporting requirements for sex offenders, defined in the bill as individuals who have been convicted of or adjudicated for certain sex offenses. Currently, certain sex offenders are required to register and provide information to state law-enforcement agencies. The bill would do the following:

- Expand the number of jurisdictions required to maintain a sex offender registry;
- Expand the number of persons required to report;
- Expand the specific information such sex offenders must provide;

- Require sex offenders to register in each jurisdiction where they reside, work, or attend school; and
- Require sex offenders to keep the registration current for at least 20 years.

In addition, sex offenders would be required to inform each jurisdiction with whom they register within five days after each change of residence, employment, or student status. Based on information from government sources, CBO estimates that the incremental cost for sex offenders to comply with the additional reporting requirements would be minimal.

Estimate prepared by: Federal costs: Mark Grabowicz and Gregory Waring; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.