



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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(2006 enactment information is preliminary)

A number of states have statutory provisions regarding GPS tracking of sex offenders. Those include:

2005 California S 619 (Chapter 484 of 2005)

Authorizes county probation authorities or the State Department of Rehabilitation and Corrections for parolees, to use global positioning system technology, for monitoring offenders in the community. Sets standards for such use.

2005 California S 963 (Chapter 488)

Authorizes county home detention programs that utilize electronic monitoring of offenders to also use global positioning system technology, for supervision purposes. Sets requirements of contractors providing services.

2005 Florida H 1877

Requires that offenders who are designated sexual predators and others who have committed specified sex crimes, particularly those against children, must upon release and for the rest of their life be subject to GPS "active electronic monitoring," which can monitor location and movement. Imposes a mandatory sentence of 25 years to life for many offenders who commit crimes against children. Toughens penalties for failure to comply with registration requirement, including penalties for those who harbor a sex offender in violation of duty to register.

2006 Georgia H 1059

Requires mandatory minimum sentence of 25 years to 50 years or life, in particular forcible crimes against children under age 14. If not sentenced to life, certain offenders must serve a split sentence that includes imprisonment for a minimum of 25 years and followed by probation supervision for the rest of the offender's life, which cannot be suspended, reduced or withheld by the sentencing court. Requires that those global positioning satellite monitoring of offender deemed a sexually dangerous predator by the Sexual Offender Registration Review Board; puts in place procedures for risk assessment and classification. Requires offenders pay for the monitoring.

2006 Illinois H 4222 Public Act 94-0988

Requires offenders convicted of an offense that would qualify the accused as a sexual predator to wear electronic monitoring device for the duration of parole or mandatory supervised release, providing funding is appropriated. The monitoring must be a system that actively monitors and identifies location and alerts the DOC of offender's presence within a prohibited area. Requires compilation of statistical information on numbers of offenders required to register who are subject to electronic monitoring. Also requires information sharing between State Police and local law enforcement about offenders who fail to respond to address-verification attempts or who otherwise abscond from registration requirement. Makes it a Class 3 felony to harbor a sexual predator or otherwise assist such offender in eluding registration requirement.

2006 Indiana H 1155

Requires a "sexually violent predator" placed on lifetime parole to be monitored via GPS device. Expands definition of sexually violent predator to include persons at least age 18 who commit certain offenses and persons who commit a crime that requires registration after having been convicted at least once of another such crime. Requires the DOC to report on cost and implementation issues of GPS monitoring, including feasibility of recovering expense of GPS from offenders. Requires the sentencing policy committee to study various sex offender issues, including role of GPS.

2005 Indiana S 175

Amends definition of "monitoring devices" to include those that provide 24 hour information on an offender's location, and capable of notifying appropriate officials of offender's violation. Requires the use of surveillance equipment and monitoring devices for any sex offender or violent offender ordered to home detention. Orders a contract agency responsible for monitoring home detainees to contact appropriate officials within one hour of violation of terms. Authorizes appropriate agencies to require notification in less than an hour.

2006 Kansas H 2576

Establishes mandatory minimum sentence of 25 years without parole ("Hard 25") for first-time sex offenders with a child victim; establishes minimum 40 years ("Hard 40") for second-time child sex offenders; and a life sentence without possibility of parole for third-time and subsequent offenders. Requires lifetime electronic monitoring supervision for sex offenders who have victimized a child and released from prison by the Parole Board. Increases penalty for failure to register as required to a person felony; and creates the crime of knowingly harboring, concealing or otherwise aiding a person in avoiding compliance with sex offender registration. Directs the Kansas Sentencing Commission to develop information on numbers of offenders subject to lifetime monitoring; and to make determination on effect of mandatory sentences on numbers of offenders who become civilly committed as sexually violent predator.

2006 Louisiana H 572

Creates the Louisiana Sex Offender Assessment Panel within the Department of Public Safety and Corrections, to evaluate sex offenders pending release to determine if he is a sexually violent predator or child sexual predator. Those identified must register for natural life, be subject to community notification, and required to be electronically monitored in a manner providing for location tracking. Offenders are required to pay for such monitoring, with certain exceptions.

2006 Louisiana H 4 and S 2

Provides penalty of 25 years to life imprisonment at hard labor for aggravated incest or sexual battery of a victim less than 13 years old by an offender 17 years or older. Such sentence is without benefit of probation, parole or suspension of sentence. Upon completion of imprisonment, requires electronic monitoring for remainder of natural life, with the offender paying costs of the monitoring. Requires the Department of Public Safety to develop rules for payment of those costs, including a sliding scale.

2004 Louisiana S 164

Establishes a pilot program using a location tracking and crime correlation-based electronic monitoring supervision program for sex and violent offenders. Sex and violent offenders are eligible if the department determines the offender is likely to respond affirmatively to the program and the court determines that electronic monitoring supervision is more suitable than imprisonment.

2004 Massachusetts

Provided \$1,000,000 from the supplemental budget to the Commissioner of Probation to implement a global positioning system in collaboration with the Massachusetts parole board utilizing tamper free ankle bracelets to track level 3 sex offenders actively on parole and sex offenders currently being supervised by the office of the commissioner of probation and deemed appropriate for said tracking by said commissioner.

2006 Maine Chapter 673 (signed by Governor 6/1/06) (LD 1717, HP 1224)

Requires definite term of at least 20 years for gross sexual assault against a victim less than 12 years of age. Requires release supervision of defendants convicted of sex crimes against a victim less than 12 years old. Duration of supervision from 6 and 10 years or for life, depending upon conviction offense; and requires such supervision include the best available monitoring technology for the duration of supervised release.

2006 Michigan H 5421, H 5532, S 709

Requires a term of imprisonment of 25 years without possibility of parole, for first degree criminal sexual conduct by an offender at least 17 years old who victimizes a child less than 13 years. Also requires lifetime electronic monitoring, in addition to any other penalty. For second offense of such crime against a child, requires life without possibility of parole. Establishes electronic monitoring within the Department of Corrections, requiring that it be capable of tracking movement and location, and documenting that information, of persons subject to lifetime monitoring. Requires offender fees for reimbursement of the costs of monitoring. (The bill's fiscal note estimated that device and personnel costs for monitoring would cost about \$19/per diem, per offender, and that offenders would have to reimburse the DOC annually about \$7,000.)

2006 Mississippi S 2527

Allows court to include as condition of probation for any person required to register as a sex offender that the offender be placed on electronic monitoring. Adds information that must be provided as part of sex offender registration. Includes requirements for mobile residences like trailers, mobile home, motor vehicle. Requires lifetime registration of persons more than 21 convicted of a sex crime against a victim 14 or younger.

2005 Missouri H 353 (Sections 217.735 and 559.106)

Requires lifetime supervision, including required global positioning system monitoring, of persons convicted of certain sex offenses committed against a victim younger than 14 years of age and the offender is sentenced as a prior sex offender.

2005 Montana S 207

Requires the Department of Corrections establish a program for continuous satellite-based monitoring of level 3 sex offenders and to report to the legislature on the program. Requires a judge to impose upon level 3 sex offenders as a condition of probation, parole, conditional release, deferment or suspension of sentence, continuous GPS monitoring. Authorizes a supervisory fee of up to \$4000 per year for persons under continuous satellite-based monitoring. Applies to offenders after the law passes, but authorizes the parole board to make monitoring a condition of parole for existing offenders.

2005 New Jersey S 1889 (Public Law c.189)

Establishes a pilot program for satellite-based monitoring of certain sex offenders. Allows for sharing of criminal incident information among law enforcement agencies and with the monitoring equipment vendor, for purposes of correlation reports for use by law enforcement. Allows parole board to administer at least annual polygraph exam of offenders on life supervision in the community. Appropriates \$3 million for these purposes.

2005 Ohio Sub. HB 66 (part of main budget bill)

Requires that certain sexually violent predators who are on conditional release in the community, be subject to supervision by the Adult Parole Authority with a global positioning system device for life, unless a court removes the sexually violent predator

classification. Cost of administering the GPS supervision is provided from the Reparatons Fund, through the Sex Offender Supervision Fund, created under this act.

2005 Oklahoma S 631 (Chapter 188)

Requires courts to order that habitual or aggravated sex offenders who are required to register, be assigned to a global position monitoring device for the duration of registration. Requires the Department of Corrections to be responsible for the monitoring; and requires the offender to reimburse the cost.

2006 South Carolina SB 1138

"Sex Offender Accountability and Protection of Minors Act of 2006," requires persons guilty of first degree criminal sexual conduct with a minor be imprisoned for mandatory minimum 25 years or to life term. For certain second offenses of violent sexual battery against a child less than 11 years of age, requires death penalty if statutory aggravating circumstance is found, or life without parole sentence. For many criminal sexual conduct with a minor crimes, requires upon release from incarceration that the offender be monitored by the Department of Probation, Parole and Pardon Services with active electronic monitoring device. Also allows active electronic monitoring for other offenders who are required to register as a sex offender who violates conditions of supervision.

2005 South Carolina H 3328

Requires electronic geographic location monitoring of certain child sex offenders who are released from a term of imprisonment or who violate terms of community supervision. Applies to offenses that include criminal sexual contact with a minor, lewd acts upon a minor, solicitation of a minor, others. Requires such monitoring for the duration of time the person is required to register as a sex offender.

2004 Tennessee H 3182

Makes appropriations for the serious and violent offender monitoring program. Requires the board of probation and parole to establish a pilot project of continuous satellite monitoring of serious violent and sexual offenders. Permits the board of probation and parole to place any person convicted of a sexual offense or serious offense, as a mandatory condition of parole, in the monitoring program. Participant payment would be required in order to participate.

2006 Virginia H 846

Requires that offenders convicted of serious sex crime against child under 13 years of age, any community supervision must include DOC monitoring of the offender via GPS for at least three years. Also requires mandatory 25 year sentence for many offenders who commit sex crimes against a child; up to life terms for some offenders who must serve at least 40 years of that sentence.

2006 Virginia H 1359

Requires that any conditional release of sexually violent predators who have been under civil commitment include GPS monitoring of the offender at all times during such release.

2005 Wisconsin Act 430 and Act 431 (both approved by Governor 5/22/06)

Provides mandatory minimum sentences for sex offenses against children. Requires lifetime global positioning system tracking of offenders placed on probation for committing a serious child sex offense; a person released to supervision who has committed a serious child sex offense. Creates circumstances when passive tracking may be utilized.; also provides for offender petition to terminate lifetime tracking. Requires individualized exclusion and inclusion zones for each offender on global positioning system tracking. Requires offender fees to offset costs of monitoring.

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