

Predator law costs disputed - Critics challenge low estimate for state's tougher child-sex penalties

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- Author/Byline: EMILY RAMSHAW, Austin Bureau eramshaw@dallasnews.com
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AUSTIN - Under the politically popular sex offender penalties known as "Jessica's Laws," California will spend nearly \$130 million next year tracking child predators. Florida will shell out close to \$12 million. Louisiana, the first state to sentence a child sex predator to death, will spend \$1 million.

But the version of Jessica's Law up for a vote in the Texas House today will cost Texans next to nothing for at least five years, according to financial reports prepared by legislative budget analysts.

Critics say that's impossible. Rep. Debbie Riddle's bill - which authorizes the death penalty or life without parole for repeat child sex offenders, increases sentences for certain first-time child sex offenders and prohibits early release from prison or parole for violent child sex offenders - would require more money for prison beds and corrections guards, they argue.

And a Dallas Morning News analysis of states with Jessica's Laws similar to those Texas is considering found that almost all of them had to set aside millions of dollars immediately to follow through on their legislation.

But proponents of the bill and the fiscal analysts who crafted the estimate note that the statute won't apply to many offenders; it's written to catch "the worst of the worst," and only those inmates will be serving lifetime prison sentences. Plus, a major expansion of global positioning systems, a costly tracking component of most states' Jessica's Laws, isn't included in the current House bill.

"All I can tell you is, the fiscal note on this has come back that it basically doesn't have an impact," said Ms. Riddle, R-Tomball, referring to the analysis conducted by the Legislative Budget Board. "At this point I haven't seen any evidence to the contrary."

That estimate "is laughable," said Steve Hall, whose StandDown Texas Project advocates a moratorium on the death penalty.

"When you look at Texas, with a larger population than most of these states, with severe penalties for sex offenders, it is inconceivable that you're not going to see increased costs in this state," he said. "It certainly makes you wonder if they were too rushed to do a thorough job or if politics intruded."

The original Jessica's Laws - which generally impose 25-year mandatory minimum sentences for child sex predators, require lifetime electronic monitoring and create 2,000-foot safety zones around parks and schools - passed in Florida in 2005 after the sexual assault and slaying of 9-year-old Jessica Lunsford. The man on trial in the case is a convicted sex offender.

So far, more than 20 states have implemented versions of the laws, and Florida, Montana, Louisiana, Oklahoma and South Carolina have given prosecutors the go-ahead to seek the death penalty for repeat child sex predators. It's unclear whether the punishment is constitutional; the U.S. Supreme Court has said that only crimes resulting in death can bring execution, though advocates say the court might rule differently in a case where the victim is a child.

Legal concerns

Last week, Texas lawmakers put the brakes on the fast-moving House bill given emergency priority by Gov. Rick Perry, in part because of those legal concerns. Ms. Riddle said she'll present amendments today to clarify the death penalty provision and create a new offense of "continuous sexual abuse of a child," one that would come with a mandatory 25-year minimum sentence.

Officials with the Legislative Budget Board said they couldn't comment on the differences between the estimated cost of Jessica's Law in Texas and its cost in other states. They pointed to the text of their report, which indicates there will be "no significant fiscal implication to the state" for the first five years after the bill's passage.

After that, the report says, the law still will not be costly because it will only affect a "small percentage of persons convicted of sexually violent offenses." The provision in Ms. Riddle's bill that increases penalties for first-time child sex offenders will have the greatest effect, the analysts wrote - requiring another 489 prison beds by 2027. Because that's more than five years out, they don't attach a dollar figure to the fiscal note.

"We were actually surprised and encouraged it was that low," Jon English, Ms. Riddle's chief of staff, said of the prison bed estimate.

The Senate version of the bill, which includes a 25-year minimum sentence for first-time violent child molesters and some expansion of GPS monitoring, hasn't reached the full Senate, so its financial analysis has not yet been released.

Lt. Gov. David Dewhurst, the chief champion for the Senate version, has estimated that lifetime GPS monitoring would cost about \$14 a day - just over \$5,000 a year per offender. And Don Forse, chief of staff for Sen. Bob Deuell, the Greenville Republican who filed the Senate bill, said he "wouldn't anticipate it being much different from the House version as far as the fiscal implication goes."

In other states with similar Jessica's Laws, however, the cost has been more immediate.

California's budget includes close to \$130 million next fiscal year to implement Jessica's Law, which includes GPS monitoring. The Florida Legislature has budgeted \$11.9 million annually, money to fund additional prison beds, corrections officials and GPS monitoring devices.

And corrections officials in Wisconsin determined that their Jessica's Laws - which impose stiff mandatory minimum sentences for violent predators - would require nine new prisons over 25 years, at a cost of more than \$400 million. Nonetheless, the bill was approved.

A Tennessee version that included the death penalty and failed last year would have cost the state an extra \$14 million a year. That bill has been reintroduced this year without a capital punishment provision.

Montana, which already has a death penalty provision but is considering longer sentences and GPS tracking, estimates its costs will increase by about \$3 million annually.

These types of costs are logical, corrections experts say.

Longer sentences

Longer sentences mean that prisons already jam-packed will need more beds and have higher operating costs, and be responsible for medical care for inmates aging in the system.

Currently, it costs \$14,600 a year to incarcerate an inmate in Texas; a 25-year minimum sentence here would cost close to \$365,000. More than 10,000 inmates are now serving sentences for violent sexual assault against a child, and hundreds more have been given probation or deferred adjudication. Texas' prison system is already at capacity, so the state would have to either free other offenders or build new units.

Meanwhile, corrections experts say, the costs of trials and appeals in death sentence and life imprisonment cases are staggering, sometimes reaching \$1 million per case. Executions themselves can cost upward of \$15,000.

"Lawmakers say, 'We're just changing the law - enacting a measure doesn't cost us anything,'" said Tim Bray, a criminologist with the University of Texas at Dallas. "But it's the impact that costs us money. All of the money is tied up in the increased cost of incarceration."

Staff writer Amy Rosen contributed to this report.

• Caption: PHOTO(S): Jessica Lunsford's death caused Florida to toughen laws. CHART(S): SEX OFFENDER LAWS, COSTS IN OTHER STATES.

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