

**FISCAL NOTE**  
**Requested by Legislative Council**  
02/22/2007

**REVISION**

Bill/Resolution No.: HB 1259

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				\$138,213		\$449,996
<b>Expenditures</b>			\$852,689	\$138,213	\$2,878,902	\$449,996
<b>Appropriations</b>			\$852,689	\$138,213	\$2,878,902	\$449,996

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Bill changes the penalty for multiple DUI's. Changes are as follows: 2nd offense in 5 year period - from class B to class A misdemeanor;  
3rd and 4th offense in 10 year period - from class A misdemeanor to class C felony

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Using information obtained from the ND DOT, the DOCR estimates that approximately 814 individuals will receive their 3rd and/or 4th DUI in 10 years during the 2007-09 biennium and that 742 individuals will receive their 3rd and/or 4th DUI in 10 years during the 2009-11 biennium.

Of those amounts the DOCR estimates that 80% will be sentenced to the DOCR for three years with all but 90 days suspended. The DOCR anticipates that the 90 days will be served in a county jail. The remaining 20% of the individuals would be plea bargained and would receive a sentence of 120 days in county jail.

After this bill has been in effect for one year, the DOCR expects to experience a 25% revocation rate for those individuals that have been under supervision for more than nine months. Of those revoked, it is estimated that 50% would go to prison for one year and upon release would remain on supervision until their sentence expires. The remaining revocations are expected to serve time in county jail; 25% for 120 days, and 25% for 180 days. Again upon release from county jail they would remain on supervision for the balance of their sentence.

It is estimated that the provisions of this bill will increase the state prison population by an average of 12.2 for the 07-09 biennium, and by an average of 42.3 for the 09-11 biennium.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Revenues are supervision fees collected from those individuals placed under supervision of the DOCR. Fees are assessed at \$40 per month. Based on current collection rates, it is estimated that of those on supervision 60% will actually make payment to the DOCR.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The DOCR estimates that for every 70 individuals sentenced under the provisions of this bill, a new FTE (probation officer) will be required. The estimated annual cost of a FTE probation officer is \$74,912. The total estimated FTE's needed for 07-09 is 7 at an estimated cost of \$459,002. The total estimated FTE's needed for 09-11 is 12 at an estimated cost of \$1,476,787.

The DOCR estimates the provisions of this bill will increase the demand for prison beds by an average of 12.2 beds for the 07-09 biennium. Due to capacity issues all 12.2 beds would need to be contracted for at an estimated cost of \$60 per day. The estimated contract bed amount for 07-09 is \$531,900. For the 09-11 biennium, the demand for prison beds would increase to an average of 42.3 beds. Again due to prison capacity issues all 42.3 beds would need to be contracted for at an estimated cost of \$60 per day. The estimated contract bed amount for 09-11 is \$1,852,110.

The total costs to the DOCR are estimated as follows:

07-09 \$990,902  
09-11 \$3,328,897

Costs to counties are not estimated. However, for those individuals whose probation is revoked, it is estimated that the provisions of this bill will increase county jail bed demand by 7.7 for the 07-09 biennium and by 17.4 for the 09-11 biennium.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

If the provisions of this bill are adopted, the 07-09 appropriation to the DOCR would need to be increased by \$990,902 (\$852,689 general funds; \$138,213 other funds) and 7 FTE. The estimated necessary appropriation to continue this bill into the 09-11 biennium is estimated at \$3,328,897 (\$2,878,902 general funds; \$449,996 other funds) and 12 FTE.

The amounts estimated above are not included in the DOCR's 07-09 executive recommendation.

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