

**Attorney General
Budget 125
Senate Bill No. 2003; House Bill No. 1269**

	FTE Positions	General Fund	Other Funds	Total
2011-13 legislative appropriation	204.00	\$31,542,245 ¹	\$27,427,177	\$58,969,422
2009-11 legislative appropriation	<u>202.50</u>	<u>28,960,432</u>	<u>25,201,409</u>	<u>54,161,841</u>
2011-13 appropriation increase (decrease) to 2009-11 appropriation	1.50	\$2,581,813	\$2,225,768	\$4,807,581

¹This amount includes \$312,400 of one-time funding. Excluding this amount, the agency's ongoing general fund appropriation is \$31,229,845.

Item Description

FTE changes - The 2011-13 biennium appropriation includes funding for 204 FTE positions, an increase of 1.5 FTE positions from the executive recommendation and the 2009-11 biennium authorized level of 202.5 FTE positions. The Legislative Assembly added 1.5 FTE positions for implementation of 2011 House Bill No. 1269 which relates to individuals with mental disability and their right to possess firearms. The FTE positions must be removed when grant funding is no longer available.

One-time funding - In Section 2 of 2011 Senate Bill No. 2003, the Legislative Assembly identified \$312,400 of one-time funding from the general fund for the 2011-13 biennium for crime lab equipment and Bureau of Criminal Investigation vehicles. This amount is not to be considered part of the agency's base budget for preparing the 2013-15 executive budget, and the Attorney General is to report to the Appropriations Committees during the 2013 legislative session on the use of this funding.

Federal fiscal stimulus funding - In Section 1 of 2011 Senate Bill No. 2003, the Legislative Assembly appropriated \$2,355,708 of federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 to the Attorney General for 7 FTE positions for the 2011-13 biennium for the justice assistance grant program (\$1,702,160 and 4 FTE positions), Internet crimes against children grant program (\$192,547 and 1 FTE position), Rural Law Enforcement Assistance Act funding (\$413,326 and 2 FTE positions), and compensation adjustments for the 7 FTE positions (\$47,675).

In Section 11 of Senate Bill No. 2003, the Legislative Assembly provided legislative intent that the Attorney General's base budget for the 2013-15 biennium not include funding or FTE positions for employees paid for with federal fiscal stimulus funds during the 2011-13 biennium. The Attorney General may request funding for these positions as optional requests in the agency's budget request for the 2013-15 biennium.

Status/Result

The Attorney General's office received federal funding totaling \$205,973 from the National Instant Check System Act record improvement program and has hired 1.5 FTE positions to administer the provisions of the Act relating to individuals with mental disability and their right to possess firearms.

The Attorney General's office anticipates spending \$30,400 for crime lab equipment and \$282,000 for undercover vehicles based on the normal replacement schedule during the 2011-13 biennium.

The Attorney General's office has spent \$573,400 of federal fiscal stimulus funding through March 31, 2012, including \$346,100 for the Edward J. Byrne Memorial Justice Assistance Grant, \$147,100 for the Internet crimes against children grant, and \$80,200 for the Rural Law Enforcement Assistance Act. All federal fiscal stimulus funding will expire prior to the 2013-15 biennium. The Attorney General's office will be requesting funding for these positions as optional requests in the agency's budget request for the 2013-15 biennium.

24/7 sobriety program - The Legislative Assembly in 2007 authorized the Attorney General to establish a sobriety program pilot program during the 2007-09 biennium. The pilot program began on January 1, 2008. The Legislative Assembly, in 2009 House Bill No. 1306, authorized the Attorney General to establish a statewide 24/7 sobriety program, established guidelines and program fees, and created and provided a continuing appropriation to the Attorney General from the 24/7 sobriety program fund. The goal of the program is to remove intoxicated drivers from the road and improve their ability to succeed in treatment.

Domestic violence fatality review commission - Senate Bill No. 2247 (2011) provides that the Attorney General may create a domestic violence fatality review commission to review domestic violence deaths that have occurred in the state.

Forensic staff salary increases - The Legislative Assembly provided \$125,000 from the general fund for salary increases for forensic staff upon certification.

From January 1, 2008, through March 15, 2012, the program has had 2,923 participants, of which 1,984 graduated from the program, 451 failed the program, 161 reoffended, and 327 were still active in the program. During this same period, 211,582 breath tests were scheduled, of which 204,065 passed, 1,174 failed, 4,535 were excused absences, and 1,808 were unexcused absences. From February 19, 2009, through March 4, 2012, 659 individuals were monitored by a secure continuous remote alcohol monitor (SCRAM) device for a total of 55,805 monitored days.

Pursuant to North Dakota Century Code Section 14-07.1-20, the Attorney General's office created a domestic violence fatality review commission in August 2011. The commission consists of 11 members from the Attorney General's office, law enforcement, medical and mental health professionals, state agencies, and local civic agencies involved with crime victims and domestic violence protection.

As of April 2012, no forensic staff have received certification. The agency anticipates some certifications to be completed in the second year of the 2011-13 biennium.