

FISCAL NOTE

Requested by Legislative Council

02/07/2001

REVISION

Bill/Resolution No.: SB 2406

Amendment to:

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.*

1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues					
Expenditures					
Appropriations					

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The fiscal impact of SB 2406 as revised, is the potential savings to the municipalities and counties for not having to incarcerate those sentenced to the minimum mandatory for a 2nd DUI conviction in 5 years, which is 5 days. The Department of Corrections & Rehabilitation is unable, however, to calculate the potential savings. The unknown factor that impacts this potential cost savings is the availability of beds within the jail. If, for example, there are 20 beds in the jail and only 10 are occupied, leaving 10 vacant, the savings would not be as great as if all 20 beds in the jail were occupied, in which case, the county or city would have to contract to incarcerate the offender elsewhere.

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.*

No impact.

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.*

DUI OFFENSES BY CLASS AND YEAR

DUI Offenses by Class Calendar Year Calendar Year Two Year Average

1998 1999

2nd in 5 years 1128 1051 1091

* Statistics obtained from the North Dakota Drivers License Division and represents all 53 counties and municipalities.

Assuming that 50% of all DUI offenders would be eligible for this program:

DUI Offenses by Class Calendar Year Calendar Year Two Year Average

1998 1999

2nd in 5 years 564 526 545

We would assume, using a 50% eligibility basis, that there would be 545 people in the program during the course of a calendar year.

*C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Not applicable.

Name: Warren Emmer

Agency: Department of Corrections and Rehabilitation

Phone Number: 701-328-6193

Date 02/08/2001

Prepared: