

FISCAL NOTE

Requested by Legislative Council

03/25/2005

Amendment to: Engrossed
HB 1313

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.*

| | 2003-2005 Biennium | | 2005-2007 Biennium | | 2007-2009 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | \$0 | \$0 | \$0 | \$0 | \$0 |
| Expenditures | | \$0 | \$0 | \$0 | \$0 | \$0 |
| Appropriations | | \$0 | \$0 | \$0 | \$0 | \$0 |

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

| 2003-2005 Biennium | | | 2005-2007 Biennium | | | 2007-2009 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

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

It is the opinion of the DOCR that the Senate amendments to HB1313 would not affect this fiscal note. However, it is important to note that the DOCR currently does not maintain data in a such a manner that would readily allow for the analysis of sentencing information by victim age.

Effect on Prisons Division:

Inmates are sent to the DOCR under current statutes are seldom given the maximum available sentence. For calendar year 2003 DOCR admissions for GSI with force were sentenced to an average 6.5 years (a low of 3 years and a high of 12 years). Other GSI cases received a range from 6 months to 12 years with only one sentence of 20 years (maximum) to prison. The average was 4.6 years. Other crimes in this section were very limited and all received a sentence less than the maximum. It is not anticipated that there will be any incarceration impact until the 2009-11 biennium unless sentencing practices change.

Effect on Field Services Division:

Case loads for probation officers will be impacted significantly after the 2007-09 biennium. Specialized sex offender probation officers were hired in the second half of the 2003-05 biennium and it is anticipated those officers will be able to effectively manage sex offender probation cases during the fiscal note period. It will be necessary to evaluate the willingness of the courts to impose additional (discretionary) period of probation before a reasonable estimate can be made. However, it is the opinion of the DOCR that major effects will not be felt until after the 2007-09 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.*

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.*

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.*

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