FISCAL NOTE

Requested by Legislative Council 04/01/2013

Amendment to: HB 1302

1 A. **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.

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	2011-2013	Biennium	2013-2015	Biennium	2015-2017	Biennium
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$6,146,511		\$6,474,961
Expenditures			\$5,512,001	\$6,146,511	\$9,766,376	\$5,705,950
Appropriations			\$5,512,001	\$6,146,511	\$9,766,376	\$5,705,950

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties		\$1,960,000	\$1,960,000
Cities			
School Districts			
Townships			

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

This bill provides for increased probation and incarceration requirements and increased usage of the 24/7 sobriety program.

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.

This bill contains several sections that will fiscally impact local jurisdictions, the Office of the Attorney General, and the Department of Corrections and Rehabilitation. Impact will come through increased usage of the 24/7 sobriety program, and increased probation and incarceration requirements. As amended this bill should have no material fiscal impact to the Department of Transportation.

- 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.

The increase revenues shown in Part 1A of this fiscal note result from an increased number of participants in the 24/7 sobriety program and an increased number of individuals on supervised probation.

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.

County fiscal impact determined by assuming one-half of the 4000 first-time DUI offenders per year would be incarcerated for 2 days and 2,000 second-time DUI offenders would be incarcerated for 10 days (increase of 5 days from current practice). Incarceration cost per day estimated at \$70. No material fiscal impact anticipated for 3rd time offenders. The DOCR impact was determined by estimating, 102 3rd offenses per year and 213 4th or more offenses per year. The DUI offenses would increase the average daily prison population by 88 in FY14, 195 in FY15, 195 in FY16 and 195 in FY17. This increase would cause DOCR facilities to reach capacity by FY15 resulting in a need to contract for additional bed space as follows: FY15 - 129, FY16 - 149 and FY17 - 169. Probation caseloads

would increase as follows: FY16 - 212, FY17 - 338. Costs estimated for the purpose of this fiscal note include medical, food, contract housing, and additional FTE's to provided community supervision (probation). See attached for computation. Office of Attorney General fiscal impact: There are approximately 6,400 resident DUI's per year. In addition, approximately 950 children (17 and under) will likely participate in the 24/7 Sobriety program. As a result of this bill, the office estimates about 35% of the participants will use SCRAM bracelets. The Office of Attorney General currently has 374 SCRAM bracelets. This bill could require an estimated 2,573 additional bracelets which results in a net increase of 2,199 new bracelets. Total 2013-15 biennium estimated expenditures are \$7,443,901 (\$6,146,511 from other funds - participant fees and \$1,297,390 from the general fund). Estimated expenditures for the 2015-17 biennium are \$5,540,677 which will be paid from participant fees (other funds).

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.

DOCR - Total 2013-15 biennium estimated appropriation needed \$4,214,611 (100% general fund); 2015-17 biennium \$9,931,649 (\$9,766,376 general funds and \$165,273 other funds) and 6 FTE. Attorney General - Total 2013-15 biennium estimated appropriations needed are \$7,443,901 (\$6,146,511 from other funds - participant fees and a \$1,297,390 general fund appropriation). The Office of Attorney General estimates an appropriation of \$5,540,677 will be needed for the 2015-17 biennium from participant fees (other funds).

Name: David Krabbenhoft

Agency: DOCR

Telephone: 701-328-6135 **Date Prepared:** 04/03/2013

9)Revised 2013-15 estimated inmate population used in determining fiscal effect; 10)All aspects of the 24/7 sobriety program administered by the Office of the effect was used in the estimate; 8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4th and subsequent incarceration); supervision caseloads; 100% of 3rd, 4th and subsequent offense probation is supervised and will impact DOCR supervision caseloads; 5)All time incacerated for Attorney General felony C (4th and subsequent offense) incarcerated at state level; 6)Contract housing beds \$70 per day (no treatment services included in rate); 7)No deterrent following assumptions were used: 1)Offenses occur evenly through out the year; 2)Actual time incarcerated is equal to minimum mandatory sentence; 3)All time thru December 31, 2012. Over that time period there was a total of 19,331 DUI related convictions for an average of 3,222 DUI related convictions per year. The Estimated impact to the DOCR. To arrive at an estimate the DOCR obtained DUI conviction data from the State's District Courts from the period January 1,2007 incarcerated for misdemeanor B and A (1st, 2nd, and 3rd offense) at the county level; 4)2nd offense probation is unsupervised and will not impact DOCR

2013-15 - \$4.2 million. for the purpose of this fiscal note include medical, food, contract housing, and additional FTE's to provide community supervision (probation). Est Fiscal Impact additional bed space as follows: FY15 - 129, FY16 - 149 and FY17 - 169. Probation caseloads would increase as follows: FY16 - 212, FY17 - 328. Costs estimated population by 88 in FY14, 195 in FY15, 195 in FY16 and 195 in FY17. This would cause DOCR facilities to reach capacity in FY15 resulting in a need to contract for The DOCR impact was determined by estimating 102 3rd offenses per year and 213 4th or more offenses per year. These offenses would increase the prison Est Fiscal Impact 2015-17 - \$9.9 million and 6 additional FTE. See attachment for computation

				included in rate)	no treatment services	6) Contract housing beds \$70 per day (no treatment services included in rate)
			state level	ense) incarcerated at	th and subsequent off	5) All time incarcerated for felony C (4th and subsequent offense) incarcerated at state level
				caseloads	act DOCR supervision	probation is supervised and will impact DOCR supervision caseloads
	offense	4th and subsequent offense	seloads; 100% of 3rd,	t DOCR supervision ca	ed and will not impac	4) 2nd offense probation is unsupervised and will not impact DOCR supervision caseloads; 100% of 3rd, 4th
			unty level	and 3rd offense) at co	or B and A (1st, 2nd,	3) All time incarcerated for misdemeanor B and A (1st, 2nd, and 3rd offense) at county level
				sentence	minimum mandatory	2) Actual time incarcerated is equal to minimum mandatory sentence
					he year	1) Offenses occur evenly through out the year
						Assumptions
3,222	19,331		-	-	19,331	Total DUI and APC
•		(17)	(3,496)	(457)	3,970	Unkown
22.33	134				134	5 + Offense
190.17	1,141				1,141	4th Offense
102.17	613			457	156	3rd Offense
581.50	3,489				3,489	2nd Offense
2,325.67	13,954	17	3,496		10,441	1st Offense
Year	Offense	Converted Degree	Misdemeanor B	Misdemeanor A	Total by Offense	
Average Offense Per	Adjusted Total by		Unknown -	Unknown -		
				6 years)	December 31, 2012 (District Court Data January 1, 2007 thru December 31, 2012 (6 years)

Distinated available drug court capacity (35) consumed by 2nd and 3nd offenses (no offset to 4 and 3ubsequent incarceration) 9) Revised 2013-15 centimated invalues oppolation used in chermining fictor affect 00%		328	212	•		i otal Estimated increase
Distinated available drug count capacity (35) consumed by 2nd and 3nd ordered (10) and 3nd		199	199	199	199	Current Ave of DUI Probation
Sistimated available drug court capacity (35) consumed by yard and 31d diffenses (no offset to 4 and subsquent incarceration) Payeds (2013-15 set) set (and the proposal offset) set (and the proposal offset) set (and the proposal offset) 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of the Attorney General 10] All aspects of the 24/7 sobriety program administed by the Office of th		1-13				Less:
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8) Is itimated available drug court capacity (35) consumed by 2nd and 3d offenses (no offset to 4 and subsquent incarceration) 9) Revised 2013.15 estimated immate population used in determining fiscal effect 00%		FY2017	FY2016	FY2015	FY2014	Increase in Probation
Sistimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) Provised 2013-15 estimated immate population used in determining fiscal effect		TODOCT				
8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsequent incarceration) 0) Revised 2013-15 estimated immate population used in determining fiscal effect 0% 0	717771111111111111111111111111111111111	4 318 881			•	
8) Issimated available drug court capacity (35) consumed by 2nd and 3nd offenses (no offset to 4 and subsquent incarceration) 9) Revised 2013-15 estimated immate population used in determining fiscal effect 10) All aspects of the 24/7 sobriety program administered by the Office of the Attorney General 0%		70.00			70.00	
8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) 9) Revised 2013 15 estimated immate population used in determining fiscal effect 4 and subsquent incarceration) 9) Revised 2013 15 estimated immate population used in determining fiscal effect 4 on 600 on		365	365	365	334	Days
8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) 9) Revised 2013-15 estimated immate population used in determining fiscal effect 10) All aspects of the 24/7 sobriety program administered by the Office of the Attorney General 0%		169	149	129	1	Needed Beds
8) Estimated available erug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) 9) Revised 2013-15 estimated irmate population used in determining fiscal effect 00 offenses 00 offenses 00% 00		195	195	195	88	Bill Effect
Bill Estimated available drug court capacity (35) consumed by Zend and 3rd offenses (no offest to 4 and subsquent incarceration) 9) Exhibited 2013-15 estimated inmate population used in determining fiscal effect 4 control of the Attorney General 9) Revised 2013-15 estimated inmate population used in determining fiscal effect 4 control offense 4 control offense<		1,272	1,252	1,232	1,212	Revised Est Population
SI Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) SI Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) Confinence C		1,298	1,298	1,298	1,298	Budgeted Capacity DOCR
8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) 9) Revised 2013-15 estimated in determining fiscal effect 90 90 90 90 90 90 90 90 90 90 90 90 90 9		FY2017	FY2016	FY2015	FY2014	Contract Housing
B. Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration)			750	TOO	9	
8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) 9) Revised 2013-15 estimated immate population used in determining fiscal effect 9) Revised 2013-15 estimated immate population used in determining fiscal effect 0%		2	200	101	80	Est Increase in Prison ADD
8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) 4 and subsquent incarceration) 9) Revised 2013-15 estimated immate population used in determining fiscal effect 0% 0% 0% 0% 10) All aspects of the 24/7 sobriety program administered by the Office of the Attorney General 0% 0% 0% 0% Deterent Effect 8.51 8.51 8.51 8.51 3rd - Offense Per Month 8.51 8.51 8.51 8.51 4th + 17.71 17.71 17.71 17.71 4th + 17.71 17.71 17.71 17.71 Increase in Prison ADP FY2014 FY2015 FY2016 FY2017 4th + Offense 106 213 213 213 Less: 106 213 18 18						
8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) 4 and subsquent incarceration) 9) Revised 2013-15 estimated inmate population used in determining fiscal effect 0 10) All aspects of the 24/7 sobriety program administered by the Office of the Attorney General 0% 0% Deterent Effect 0% 0% 0% 0% Offenses Per Month 8.51 8.51 8.51 8.51 3rd - Offense Per Month 8.51 8.51 8.51 8.51 4th + 17.71 17.71 17.71 17.71 Increase in Prison ADP FY2014 FY2015 FY2016 FY2017 4th + Offense 106 213 213 213		18	18	18	18	Current Ave of DUI Incarcerated
8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) 9) Revised 2013-15 estimated inmate population used in determining fiscal effect 10) All aspects of the 24/7 sobriety program administered by the Office of the Attorney General 0% 0% 0% 0% 0% Deterent Effect 0% 0%						Less:
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8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) 9) Revised 2013-15 estimated inmate population used in determining fiscal effect 50 10) All aspects of the 24/7 sobriety program adminstered by the Office of the Attorney General 60 Deterent Effect 60 00ffenses Per Month 8.51 3rd - Offense 8.51 4th + 17.71 17.71 17.71 17.71 17.71 4th + 17.71		FY2017	FY2016	FY2015	FY2014	Increase in Prison ADP
8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) 9) Revised 2013-15 estimated inmate population used in determining fiscal effect 10) All aspects of the 24/7 sobriety program adminstered by the Office of the Attorney General Deterent Effect 0% 0% 0% 0% 0% 0% 0% 0% 0% 0						
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8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) 9) Revised 2013-15 estimated inmate population used in determining fiscal effect 10) All aspects of the 24/7 sobriety program adminstered by the Office of the Attorney General Deterent Effect 0% 0% 0% 0% 0% 0% 0% 0% 0% 0% 0% 0% 0%		17.71	17.71	17.71	17.71	4th +
8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) 9) Revised 2013-15 estimated inmate population used in determining fiscal effect 10) All aspects of the 24/7 sobriety program adminstered by the Office of the Attorney General Deterent Effect 0% 0% 0% 0ffenses Per Month		8.51	8.51	8.51	8.51	3rd - Offense
8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) 9) Revised 2013-15 estimated inmate population used in determining fiscal effect 10) All aspects of the 24/7 sobriety program adminstered by the Office of the Attorney General Deterent Effect 0% 0% 0% 0%						Offenses Per Month
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8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration) 9) Revised 2013-15 estimated inmate population used in determining fiscal effect			ey General	Office of the Attorn	gram adminstered by the	10) All aspects of the 24/7 sobriety pro
8) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsquent incarceration)				ining fiscal effect	opulation used in determ	9) Revised 2013-15 estimated inmate p
		uent incarceration)	10 offset to 4 and subsq	and 3rd offenses (r	ity (35) consumed by 2nd	8) Estimated available drug court capac

			,	ue 13-15 \$	Total Revenue 13-15	
				1—	***************************************	
	100,311	64,962 \$	- \$	- \$	\$	Est Total Revenue
	56.7%	56.7%	56.7%	56.7%		Collection Rate
	12	12	12	11		Months
	45.00	45.00 \$	45.00 \$	45.00 \$	\$	Monthly Supervision Fee
	328	212	f	1		Estimated Probation Increase
	FY2017	FY2016	FY2015)14	FY2014	Supervision Fee Revenue
	9,931,649	Total Cost 15-17				
The state of the s		•	4,214,611	13-15	Total Cost 13-15	
	5,277,964	4,653,686	3,878,130	336,481		Est Total Cost
	509,082	545,334	581,477	336,481		Est Cost - Inmate
	47,070	83,278 \$	119,486 \$	145,759 \$	\$	Increased Food
	365	365	365	334		Days
	26	46	66	88		Net Inc Inmates
	169	149	129	ı		Housed Outside Docr
	195	195	195	88		Increased Inmates
	4.96	4.96 \$	4.96 \$	4.96 \$	\$	13-15 Budgeted Food
	462,012	462,056 \$	461,991 \$	190,721 \$	*	Increased Medical
	365	365	365	334	·	Days
	195	195	195	88		Increase Inmates
	6.49	6.49 \$	6.49 \$	6.49 \$	\$	13-15 Budgeted Medical
	FY2017	FY2016	FY2015)14	FY2014	Inmate Costs
	450,000	300,000 \$	- \$	- \$	\$	Est Cost - Probation
	75,000	75,000 \$	75,000 \$	75,000 \$	\$	Est FTE Cost / Year
THE	5	4	1	٠		Necessary Officers
	65	65	53	65	•	Target Caseload / Officer