

FISCAL NOTE
Requested by Legislative Council
04/24/2013

Amendment to: Reengrossed 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.*

| | 2011-2013 Biennium | | 2013-2015 Biennium | | 2015-2017 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | \$6,164,406 | | \$6,498,954 |
| Expenditures | | | \$4,699,885 | \$6,164,406 | \$6,266,080 | \$5,729,943 |
| Appropriations | | | \$4,699,885 | \$6,164,406 | \$6,266,080 | \$5,729,943 |

- 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 68 in FY14, 133 in FY15, 121 in FY16 and 114 in FY17. This increase would cause DOCR facilities to reach capacity by FY15 resulting in a need to contract for additional bed space (non-treatment beds) as follows: FY15 - 17, FY16 - 25 and FY17 - 38.

Remaining bed needs would be met by designating 30 existing DOCR beds for DUI treatment and contracting for 50 DUI treatment beds. Probation caseloads would increase as follows: FY15 - 58, FY16 - 275, FY17 - 343. Costs estimated for the purpose of this fiscal note include medical, food, contract housing, treatment beds, 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 \$3,420,321 (\$3,402,495 general fund and \$17,895 other funds)and 1 FTE; 2015-17 biennium \$6,266,080(\$6,076,814 general funds and \$189,266 other funds)and 5 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).

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Agency: DOCR

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Date Prepared: 04/24/2013

| District Court Data January 1, 2007 thru December 31, 2012 (6 years) | | | | | | |
|---|------------------|----------------------------|----------------------------|------------------|------------------------------|-----------------------------|
| | Total by Offense | Unknown - Misdemeanor A | Unknown - Misdemeanor B | Converted Degree | Adjusted Total by Offense | Average Offense Per Year |
| 1st Offense | 10,441 | | | 17 | 13,954 | 2,325.67 |
| 2nd Offense | 3,489 | | 3,496 | | 3,489 | 581.50 |
| 3rd Offense | 156 | 457 | | | 613 | 102.17 |
| 4th Offense | 1,141 | | | | 1,141 | 190.17 |
| 5 + Offense | 134 | | | | 134 | 22.33 |
| Unknown | 3,970 | (457) | (3,496) | (17) | - | - |
| Total DUI and APC | 19,331 | - | - | | 19,331 | 3,222 |
| Assumptions | | | | | | |
| 1) Offenses occur evenly through the year | | | | | | |
| 2) Actual time incarcerated is equal to minimum mandatory sentence | | | | | | |
| 3) All time incarcerated for misdemeanor B and A (1st, 2nd, and 3rd offense) at county level | | | | | | |
| 4) 2nd offense probation is unsupervised and will not impact DOCR supervision caseloads; 100% of 3rd, 4th and subsequent offense probation is supervised and will impact DOCR supervision caseloads | | | | | | |
| 5) All time incarcerated for felony C (4th and subsequent offense) incarcerated at state level | | | | | | |
| 6) Actual time incarcerated is equal to minimum mandatory sentence | | | | | | |
| 7) Contract housing beds \$70 per day (no treatment services included in rate) | | | | | | |
| 8) 30 existing DOCR beds to be designated for DUI treatment using existing resources | | | | | | |
| 9) Contract treatment program beds \$97.00 per day (program available January 1, 2014) | | | | | | |
| 10) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsequent incarceration) | | | | | | |
| 11) Revised 2013-15 estimated inmate population used in determining fiscal effect | | | | | | |
| 12) All aspects of the 24/7 sobriety program administered by the Office of the Attorney General | | | | | | |
| Offenses Per Month | | | | | | |
| 2nd Offense DOCR Probation | | | | | | |
| 3rd - Offense | 8.51 | 8.51 | 8.51 | 8.51 | 8.51 | |
| 4th + | 17.71 | 17.71 | 17.71 | 17.71 | 17.71 | |
| Increase in Prison Average Daily Population (ADP) | FY2014 | FY2015 | FY2016 | FY2017 | | |
| DOCR Incarcerated | 43 | 71 | 59 | 52 | | |
| Current Ave of DUI Incarcerated | 18 | 18 | 18 | 18 | | |
| Est Increase in Prison ADP #1 | 25 | 53 | 41 | 34 | | |
| Est ADP - DOCR Treatment #2 | 25 | 30 | 30 | 30 | | |
| Est ADP - Contract Treatment #3 | 18 | 50 | 50 | 50 | | |
| Contract Housing | | | | | | |
| Budgeted Capacity DOCR | FY2014 | FY2015 | FY2016 | FY2017 | | |
| Revised Est Population | 1,298 | 1,298 | 1,298 | 1,298 | | |
| | 1,212 | 1,232 | 1,252 | 1,272 | | |

| | | | | | | | |
|--|-------------------------|------------------|-------------------------|------------------|------------|--|--|
| Bill Effect on ADP (#1 + #2) | | 50 | 83 | 71 | 64 | | |
| Needed Beds | | - | 17 | 25 | 38 | | |
| Days | | 334 | 365 | 365 | 365 | | |
| Bed Cost Per Day | \$ | 70.00 | \$ 70.00 | \$ 70.00 | \$ 70.00 | | |
| Est Cost - Contract Beds (No Treat) | \$ | - | \$ 434,350 | \$ 630,319 | \$ 970,900 | | |
| Est DOCR Contracted Treatment Beds | FY2014 | | FY2015 | FY2016 | FY2017 | | |
| Needed Contract Treatment Beds (#3) | 18 | 50 | 50 | 50 | 50 | | |
| Days | 365 | 365 | 365 | 365 | 365 | | |
| Bed Cost Per Day | 97.00 | 97 | 97 | 97 | 97 | | |
| Est Cost - DOCR Contracted Treatment Beds | 622,420 | 1,770,250 | 1,770,250 | 1,770,250 | 1,770,250 | | |
| Increase in Probation | FY2014 | FY2015 | FY2016 | FY2017 | | | |
| 2nd Offense | - | - | - | - | | | |
| 3rd Offense | 22 | 95 | 102 | 102 | | | |
| 4th + Offense | 12 | 162 | 372 | 440 | | | |
| Less: | | | | | | | |
| Current Ave of DUI Probation | 199 | 199 | 199 | 199 | | | |
| Total Estimated Increase | - | 58 | 275 | 343 | | | |
| Target Caseload / Officer | 65 | 65 | 65 | 65 | | | |
| Necessary Officers | - | 1 | 4 | 5 | | | |
| Est FTE Cost / Year | \$ 75,000 | \$ 75,000 | \$ 75,000 | \$ 75,000 | | | |
| Est Cost - Probation | \$ - | \$ 75,000 | \$ 300,000 | \$ 375,000 | | | |
| | | | | | | | |
| Inmate Costs | FY2014 | FY2015 | FY2016 | FY2017 | | | |
| 13-15 Budgeted Medical | \$ 6.49 | \$ 6.49 | \$ 6.49 | \$ 6.49 | | | |
| Increase Inmates | 50 | 83 | 71 | 64 | | | |
| Days | 365 | 365 | 365 | 365 | | | |
| Increase Medical | \$ 118,987 | \$ 196,615 | \$ 167,407 | \$ 151,606 | | | |
| 13-15 Budgeted Food | \$ 4.96 | \$ 4.96 | \$ 4.96 | \$ 4.96 | | | |
| Increase Inmates | 50 | 83 | 71 | 64 | | | |
| Housed Outside Doctr | - | 17 | 25 | 38 | | | |
| Net Inc Inmates | 50 | 66 | 46 | 26 | | | |
| Days | 334 | 365 | 365 | 365 | | | |
| Increase Food | \$ 83,213 | \$ 119,486 | \$ 83,278 | \$ 47,070 | | | |
| Est Cost - Inmate | 202,200 | 316,101 | 250,685 | 198,677 | | | |
| Est Total Cost | 824,620 | 2,595,701 | 2,951,254 | 3,314,827 | | | |
| | | | | | | | |
| | Total Cost 13-15 | 3,420,321 | | | | | |
| | | | Total Cost 15-17 | 6,266,080 | | | |

[illegible]