

FISCAL NOTE
HOUSE BILL NO. 1225
LC# 25.0996.03000
03/14/2025

1 - 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.

	2023-2025 Biennium		2025-2027 Biennium		2027-2029 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures					\$2,530,000	
Appropriations					\$2,530,000	

2 - County, City, School District, and Township Fiscal Effect

Identify the fiscal effect on the appropriate political subdivision.

	2023-2025 Biennium	2025-2027 Biennium	2027-2029 Biennium
Counties			
Cities			
School Districts			
Townships			

3 - Bill and Fiscal Impact Summary

Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).

Increases penalty for Reckless Endangerment, elevating from a ClassC Felony to ClassB Felony for offenses committed w/firearm or dangerous weapon .The bill expandsthe range of offenses eligiblefor habitual offender designation allowing courtsto include any felony punishable by imprisonment >360days.

4 - Fiscal Impact Sections Detail

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.

HB1225 may have an impact on the length of sentence imposed by the court for 12.1-17-03 Reckless Endangerment. Currently the average sentence for a class C felony is 3.83 years and the average sentence for a Class B felony is 5.49 years. We have 40 inmates sentenced to the DOCR for Reckless Endangerment with a min/man descriptor that would indicate they were sentenced under 12.1-32-02.1 (Mandatory Prison Terms for Armed

Offenders). Assuming the courts will increase the sentence length to that of average Class B felony we would anticipate and offenders serving a sentence for Reckless Endangerment using a firearm or dangerous weapon to serve an additional 1.66 years increasing the cost to approximately \$3.6 Million. On average, the DOCR processes 59 offenders sentenced under the 12.1-32-09 Habitual Offender statute annually. Expanding the scope to encompass all felonies carrying sentences exceeding 360 days, as applied in other 49 states, introduces significant uncertainty. It is challenging to predict how courts will interpret and implement these changes or how they might affect sentence durations. Consequently, we are unable to accurately estimate the fiscal impact of this proposed modification.

The new language surrounding the "dangerous special offenders" does not change our position. States have different thresholds for felonies and how judges interpret that and choose to implement the Dangerous Special Offender is unpredictable.

5 - Revenues Detail

For information shown under state fiscal effect in 1 or 2, please explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

The DOCR will not expect any revenues from the changes proposed in HB 1225.

6 - Expenditures Detail

For information shown under state fiscal effect in 1 or 2, please explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

Due to HB 1225 extending a sentence, there will not be a fiscal impact to the DOCR until 2028 and the cost will be incurred from additional days of incarceration.

7 - Appropriations Detail

For information shown under state fiscal effect in 1 or 2, please 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.

Based on the estimated increase in sentence, HB 1225 will first impact the DOCR's budget in 2028 and is estimated to cost 2.53 million through 2029.

Contact Information

Name: Michele Zander

Agency: Corrections & Rehabilitation

Telephone: 7013286656

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