

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB 1218

Amendment to: _____

Requested by Legislative Council

Date of Request: 01/11/95

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, and cities.

Narrative:

Section 5 of the bill provides that any offender who commits the crimes of murder, attempted murder, aggravated assault, robbery, kidnapping, or gross sexual imposition (with force) must serve 85% of their prison sentence prior to being eligible for parole. Based on Department of Corrections data, from January 1, 1992 through December 31, 1994, there were 16 offenders released on parole prior to serving 85% of their sentence. Based on the length of the paroles during this three year period and assuming the paroles given during the next few years would be similar to the past three years, the impact of the bill will be as follows:

(CONTINUED ON FOLLOWING PAGE)

2. State fiscal effect in dollar amounts:

	<u>1993-95</u>		<u>1995-1997</u>		<u>1997-99</u>	
	<u>Biennium</u>		<u>Biennium</u>		<u>Biennium</u>	
	<u>General</u>	<u>Special</u>	<u>General</u>	<u>Special</u>	<u>General</u>	<u>Special</u>
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>
Revenues:	0	0	0	182,938	0	224,000
Expenditures:	0	0	82,112	182,938	91,200	224,000

3. What, if any, is the effect of this measure on the appropriation for your agency or department:
 - a. For rest of 1993-95 biennium: None
 - b. For the 1995-97 biennium: \$226,050
 - c. For the 1997-99 biennium: \$315,200

4. County and City fiscal effect in dollar amounts:

	<u>1993-95</u>		<u>1995-1997</u>		<u>1997-99</u>	
	<u>Biennium</u>		<u>Biennium</u>		<u>Biennium</u>	
	<u>Counties</u>	<u>Cities</u>	<u>Counties</u>	<u>Cities</u>	<u>Counties</u>	<u>Cities</u>

If additional space is needed,
attach a supplemental sheet.

Date Prepared: 01/09/95

Signed Elaine Little

Typed Name Elaine Little

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NARRATIVE (CONTINUED)

Average additional beds required to continue to house inmates at the Penitentiary to meet the 85 % truth in sentencing:

1st year of 1995-97 biennium	- 4 beds	= \$73,000
2nd year of 1995-97 biennium	- 9 beds	= \$164,250
1st year of 1997-99 biennium	- 6 beds	= \$109,500
2nd year of 1997-99 biennium	- 10 beds	= \$182,500
1999-2001 biennium	- 10 beds	= \$365,000

Since the passage of HB 1218 would allow North Dakota to access federal crime bill funds under the "Truth-in Sentencing Prison Construction Grant Program," and the "Violent Offender Incarceration Prison Construction Grant Program," 75% of the fiscal impact could be funded through these programs if Congress appropriates funds as projected under the Crime Bill. The funds could be utilized to house inmates in county jails or other correctional facilities across the state or could be utilized to replace federal income allowing for the return of federal inmates to the BOP thereby opening up cells at the prison for the housing of truth-in sentencing inmates.

Impact (on Department) of Truth-in Sentencing

Present biennium	\$0
1995-97 biennium	\$237,250
1997-99 biennium	\$292,000

	<u>1995-1997 Biennium</u>		<u>1997-99 Biennium</u>	
	<u>General Fund</u>	<u>Special Fund</u>	<u>General Fund</u>	<u>Special Fund</u>
Revenues:	0	\$177,938	0	\$219,000
Expenditures:	\$59,312	\$177,938	\$73,000	\$219,000

Section 3 of this Bill provides that in crimes of violence in which force or threat of force is an element of the offense, the court must order a criminal history check to be completed by the Department of Corrections. For the purposes of this fiscal note we included murder, attempted murder, kidnapping, arson, gross sexual imposition, robbery, aggravated assault, terrorizing, and reckless endangerment as violent crimes.

Based on these crimes the Department would complete approximately 200 additional criminal history checks for the court each biennium. In order to expedite the completion of the reports, the Department would purchase equipment costing \$5,600 and incur ongoing line charges of \$13,200 per biennium. Based upon a cost of \$50 to complete a criminal history check, the Department would incur an additional \$10,000 per biennium. Based on historical collection data, half of this cost could be collected from the offenders. The cost for the 1995-97 biennium would be \$28,800 of which \$23,800 would be general fund, and \$5,000 would be special fund. The cost for the 1997-99 biennium would be \$23,200, of which \$18,200 would be general fund and \$5,000 special funds.

The Department estimates that Section 4 of the Bill would have no fiscal impact.

WORKSHEET

This worksheet charts the additional bedspaces that would be needed at the prison based on the number and length of paroles granted to violent offenders (prior to the offender serving 85% of his/her sentence) during the past three years, and projects the impact over the next two biennia. The average additional bedspace needed was calculated as follows:

	FY 1996	FY 1997	FY 1998	FY 1999
JULY 1995		////////	//////	////////
AUGUST 1995		////////	//////	////////
SEPTEMBER 1995		////////	//////	////////
OCTOBER 1995	//	//////////	//////	//////
NOVEMBER 1995	//	//////////	//////	//////
DECEMBER 1995	///	//////////	//////	////////
JANUARY 1996	////	//////////	//////	//////////
FEBRUARY 1996	////	//////////	//////	//////////
MARCH 1996	//////	//////////	//////	//////////
APRIL 1996	//////	//////////	//////	//////////
MAY 1996	////////	//////////	//////	//////////
JUNE 1996	////////	////////	//////	//////////
TOTAL AVERAGE	$48 \div 12 = 4$	$112 \div 12 = 9$	$69 \div 12 = 6$	$115 \div 12 = 10$