

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: \_\_\_\_\_ Amendment to: Eng. SB 2153

Requested by Legislative Council Date of Request: 3-17-97

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

Narrative:

Please see attached.

2. State fiscal effect in dollar amounts:

	<u>1995-97</u> <u>Biennium</u>		<u>1997-99</u> <u>Biennium</u>		<u>1999-2001</u> <u>Biennium</u>	
	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Funds</u>	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Funds</u>	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Funds</u>
Revenues:	\$0	\$0	See attached.		See attached.	
Expenditures:	\$0	\$0	"	"	"	"

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1995-97 biennium: \$0
- b. For the 1997-99 biennium: See attached.
- c. For the 1999-2001 biennium: See attached.

4. County, City, and School District fiscal effect in dollar amounts:

<u>1995-97</u> <u>Biennium</u>			<u>1997-99</u> <u>Biennium</u>			<u>1999-2001</u> <u>Biennium</u>		
<u>Counties</u>	<u>Cities</u>	<u>School</u> <u>Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School</u> <u>Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School</u> <u>Districts</u>

If additional space is needed, attach a supplemental sheet.

Date Prepared: March 17, 1997

Signed Elaine Little

Typed Name Elaine Little, Director

Department Corrections and Rehabilitation

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## NARRATIVE - FISCAL NOTE ON SB2153

This fiscal note is based upon sentencing data of sex offenders over the past two years.

There were 60 people sentenced to the State Penitentiary over the last two years for the charge of Gross Sexual Imposition N.D.C.C. 12.1-20-03. Of these 60, 10 had victims ages 15 or older and would not fall under the terms in SB2153. Of the remaining 50 inmates, 17 had two or less incidents of sexual acts with the same victim and would also not fall under the guidelines set in SB2153. The remaining 33 had 3 or more incidents of sexual acts with the same victim. Of those 33, 13 offenders had sentences greater than the proposed 6 year mandatory sentence. This means that 20 people over the past two years would have had their sentences increased as a result of this bill. The total number of additional man-days these 20 people would have to serve is 18,866 at a cost of \$954,619 over a two biennium period. (See attached schedule).

We also looked at people who were on probation over the past two year period of time after having been convicted of N.D.C.C. 12.1-20-03. The total sample was 114 probationers. We subtracted any of these people who had served time in the Penitentiary to avoid double counting. This left 33 probationers who have never served Penitentiary time convicted of GSI charges against a victim 14 years of age and under. Due to the fact that the files for these probationers are located in the district offices around the state we could not do an extensive file review on each of these 33 people. However, we were able to do a sample on 14 probationers and found that 9 of the 14 would meet the requirements for mandatory sentencing under SB2153. If we extrapolate this ratio out to the 33 total, it could mean that an additional 21 people would have served time at the institution as opposed to probation. This cost would be in addition to the additional man-days of those offenders already serving prison time.

**NORTH DAKOTA STATE PENITENTIARY  
Bismarck, North Dakota**

INDIVIDUALS SENTENCED DURING 1/1/95 THROUGH 12/31/96 FOR GROSS SEXUAL  
IMPOSITION WITH 3 OR MORE SEXUAL ACTS ON THE SAME VICTIM

85% OF MANDATORY 6 YEARS IS = 5 YRS. 36 DAYS = 1861 DAYS

OFFENDER	SENTENCE	ACTUAL TIME SERVED IN DAYS	DIFFERENCE IN DAYS FROM 85% OF MANDATORY 6 YRS. (1861 DAYS)	X \$50.60 DAILY RATE
1	18 MOS. (540 DAYS)	506	1355	\$68,563
2	3 YRS. (1095 DAYS)	779	1082	\$54,749
3	3 YRS., 1 YR. 11 MOS. 29 DAYS SUSP. (371 DAYS)	126	1735	\$87,791
4	4 YRS., 1 YR. 6 MOS. SUSP. (915 DAYS)	761	1100	\$55,660
5	5 YRS., 2 YRS. SUSP. (1095 DAYS)	904	957	\$48,424
6	5 YRS. (1825 DAYS)	1469	392	\$19,835
7	5 YRS., 2 YRS. SUSP. (1095 DAYS)	915	945	\$47,817
8	5 YRS., 3 YRS. SUSP. (730 DAYS)	583	1278	\$64,667
9	5 YRS. 1 DAY, 2 YRS. SUSP. (1096 DAYS)	904	957	\$48,424
10	6 YRS. (2190 DAYS)	1619	242	\$12,245
11	7 YRS., 6 YRS. SUSP. (365 DAYS)	314	1547	\$78,278
12	7 YRS., 5 YRS. SUSP. (730 DAYS)	608	1253	\$63,401
13	7 YRS., 5 YRS. SUSP. (730 DAYS)	530	1331	\$67,349
14	7 YRS., 2 YRS. SUSP. (1825 DAYS)	1525	336	\$17,002

15	8 YRS., 6 YRS., 11 MOS. SUSP. (394 DAYS)	331	1530	\$77,418
16	10 YRS., 6 YRS. 6 MOS. SUSP. (1275 DAYS)	1275	586	\$29,652
17	10 YRS., 5 YRS. SUSP. (1825 DAYS)	1227	634	\$32,080
18	10 YRS., 5 YRS. SUSP. (1825 DAYS)	1225	636	\$32,182
19	10 YRS., 5 YRS. SUSP. (1825 DAYS)	1226	635	\$32,131
20	20 YRS., 15 YRS. SUSP. (1825 DAYS)	1526	335	\$16,951

**TOTAL ADDITIONAL MAN-DAYS 18,866**

**TOTAL COST \$954,619**

The sample total was 60 inmates sentenced to the Penitentiary for Gross Sexual Imposition from 1/1/95 to 12/31/96.

Of those 60, 10 had victims ages 15 and older.

Of the remaining 50, 17 had two or less incidents of sexual acts with the victim.

The remaining 33 had three or more incidents of sexual acts with the same victim. Of those 33, 13 offenders had sentences greater than the proposed 6 year mandatory.