

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/09/2017**

Amendment to: Engrossed SB 2149

- 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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>			\$(188,716)		\$(237,547)	
<b>Appropriations</b>						

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
<b>Counties</b>			
<b>Cities</b>			
<b>School Districts</b>			
<b>Townships</b>			

- 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).*

Relates to grading of offenses related to the illegal possession of controlled substances.

- 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.*

Sections 1,5,and 7 have no measurable fiscal impact to the DOCR. The DOCR does not have historical data available that would provide for a reasonable estimate of fiscal impact, if any.

Section 4 allows for an offender convicted under 12.1-17-02 prior to 8/1/15 to be parole board eligible. This changes is estimated to reduce the 17-19 average daily prison population by 1 offender and by .5 offender for 19-21.

Section 6 Subsection 1a and 1b. - changes the grading of offenses for the manufacture, delivery, possession with intent to manufacture or deliver of a controlled substance from class A to class B felony for substances classified in schedule I and II, and changes the minimum mandatory for a 2 offense from 5 to 3 years, and the minimum mandatory for a 3 offense for 20 to 10 years. Using 2016 prison admission data the DOCR estimates this change will reduce the 2017-19 estimated average daily prison population from 1,973 to 1,971, and will reduce the 2019-21 estimated average daily prison population from 2,247 to 2,242.

The remaining subsections of Section 6 are either estimated to not have a material fiscal impact to the DOCR, or the DOCR does not have the historical data available to provide a reasonable estimate of fiscal impact, if any.

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.*

n/a

- 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.*

NOTE that the estimated fiscal impact is determined based on estimated expenditures to provide housing, meals and medical care for 1,973 inmates for the 2017-19 biennium and 2,247 inmates for the 2019-21 biennium. The 2017-19 estimated fiscal impact is NOT based on either the 2017-19 base budget request or the 2017-19 revised executive recommendation.

2017-19 Adult Services (\$188,716) - 100% General Funds

2019-21 Adult Services (\$237,547) - 100% General 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Appropriation levels in both the base budget and the executive recommendation are under funded to a greater degree than the sum of the calculated savings.

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