

FISCAL NOTE
Requested by Legislative Council
12/21/2018

Bill/Resolution No.: HB 1050

- 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.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 Biennium
Counties			
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).*

See attached - no material fiscal impact anticipated

- 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.*

See attached - no material fiscal impact anticipated

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.*

n/a

- 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.*

n/a

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Fiscal Note:

ND Department of Corrections & Rehabilitation concerning House Bill 1050

In estimating fiscal impact to proposed sections 5 & 6 of NDCC 19-03.4-03, current inmate populations and past ND Parole Board actions were analyzed.

As of January 3rd, 2019, there are currently 76 incarcerated (inmate status) individuals with a controlling sentence related to Possession of Drug Paraphernalia. These controlling sentences include stand-alone drug paraphernalia offenses, combinations of drug paraphernalia and controlled substance possession, or drug paraphernalia in addition to other offense types.

There are 20,251 sentenced prison bed days that (assuming a successful completion of ordered treatment designated by the department in an estimated average program timeframe) could be released as unserved, and instead placed to supervised probation. **The average amount of prison bed days saved per person (20251 days divided by 76 individuals) is 266.4**, which would either include the individual placed to a court ordered probation or serving the remainder of days as a supervised probation.

In calendar year 2017, the ND Parole Board granted release to parole for 79 individuals with controlling sentence related to Drug Paraphernalia. The total prison bed days released unserved for this cohort was 19,323; this averaged to 244.5 days per person. In months January through August for calendar year 2018, the ND Parole Board granted release to parole for 64 individuals with controlling sentence related to Drug Paraphernalia. The total prison bed days released unserved for this cohort was 17,221; **this averaged to 269 days per person.**

In absence of a Drug Paraphernalia Recidivism Reduction track in line with the existing DUI Recidivism Reduction Track and Possession Recidivism Reduction Track, the ND Parole Board has worked to grant appropriate release to individuals completing drug treatment. This amount of days saved corresponds closely to potential prison bed days saved as a result of HB 1050.

Therefore, there is no estimated fiscal impact to the department as a result of House Bill 1050.