

**FISCAL NOTE**  
**SENATE BILL NO. 2107**  
**LC# 23.8013.05000**  
**03/30/2023**

**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.*

	2021-2023 Biennium		2023-2025 Biennium		2025-2027 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>			\$395,085		\$741,134	
<b>Appropriations</b>			\$395,085		\$741,134	

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

*Identify the fiscal effect on the appropriate political subdivision.*

	2021-2023 Biennium	2023-2025 Biennium	2025-2027 Biennium
<b>Counties</b>			
<b>Cities</b>			
<b>School Districts</b>			
<b>Townships</b>			

**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).*

SB 2107 adds a new class B felony to statute and enhances minimum mandatory sentencing. These factors will likely increase state prison population counts.

**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.*

SB 2107 as amended adds a class B felony Reckless Endangerment crime to statute 12.1-17-03 if the offense is committed by discharging a firearm. It also incorporates the Dangerous Special Offenders – Habitual Offenders statute 12.1-32-09 into the mandatory prison terms for armed offenders by enhancing existing minimum sentences to seven years if the offense is a class C felony and 10 years if the offense is a B felony or greater. Under these enhancements, the offender would be eligible for parole no earlier than 18 months prior to the expiration of the

mandatory sentence. These factors will likely result in an increase in the state prison population, albeit far less than the previous version of SB 2107 primarily due to the targeted scope and potential application of the changes.

We also would foresee a greatly reduced impact on the sheriffs, jails regional correctional facilities, states attorney's and the courts. None of these groups provided information in the previous version and we did not reach out to them for this version.

The Commission on Legal Counsel for Indigents did previously submit fiscal impact information, so we did reach out to them again. The Executive Director Travis Finck stated: "...with the removal of the presumptive/mandatory sentences on the fleeing and resisting cases, we would no longer be able to substantiate a fiscal note. As I explained earlier, I cannot anticipate an increased cost with the amendment adopted by the house as it only increased a minimum mandatory for habitual offenders. Those cases already typically go to trial and already require more time due to the finding of habitual offender."

## **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.*

N/A

## **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 current amended legislation of SB2107, DOCR estimates increased bed space usage during the next 5 years.

Costs to house additional residents at DOCR facilities for the 23-25 biennium is at a rate of \$17/day. This includes variable costs for food, prescription drugs, clothing, outside medical and resident payroll.

We estimate additional contracted bed days as follows: Year 1= 8, Year 2=22, Year 3=36, Year 4=50, Year 5=63

Addition of 1 new FTE in Transitional Planning Department. \$79,200/year on average

Additional Transport Officer Hours \$16,752/year on average

Additional Transportation Expenses \$7,800/year on average

The entire expenditures for 5 years is estimated for \$1.6 million.

## **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.*

The DOCR budget is prepared using population projections to calculate variable costs. Housing additional residents relating to current amended legislation of SB2107 results in increased costs to the DOCR. Costs to house additional residents at DOCR facilities is at a rate of \$17/day. This includes variable costs for food, prescription drugs, clothing, outside medical and resident payroll.

Appropriation for 5 years is estimated for \$1.6 million.

These projections are based solely on the fiscal note for SB2107 and does not take any other bills into consideration when estimating population costs.

## **Contact Information**

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