

FISCAL NOTE
SENATE BILL NO. 2128
LC# 25.8109.05000
04/04/2025

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.

	2023-2025 Biennium		2025-2027 Biennium		2027-2029 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$39,168,229		\$37,734,155	
Appropriations			\$39,168,229		\$37,734,155	

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

Identify the fiscal effect on the appropriate political subdivision.

	2023-2025 Biennium	2025-2027 Biennium	2027-2029 Biennium
Counties			
Cities			
School Districts			
Townships			

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).

This bill removes DOCR's authority to house inmates in transitional facilities, requiring residents to return to prison. All inmates must serve at least 50% of their sentence in confinement.

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.

Under Section 2, very few inmates qualify as "eligible" and the fiscal impact of this section is to rehouse inmates currently in transitional facilities back at DOCR facilities. Taking a one day snapshot on 12/31/2024, the expected change in daily cost for non-eligible inmates is \$13,934.16 for approximately 90 days for a total fiscal impact of \$1,254,074.40.

Under Section 3, an offender may be gainfully employed in the facility in which the resident resides. There are 14.5 inmate positions impacted where inmates will no longer be allowed to work at facilities they do not reside in, and civilian labor will be required to fill these positions. The fiscal impact is \$2,045,192.

Under Section 5, changes to good time calculations will require programming the inmate management system at an expense estimated around \$180,000.

Under Section 6, reducing meritorious conduct sentence reduction could result in an increased need for staff to perform Resident Crisis Support Team duties that would have otherwise been performed by an inmate. The estimated amount is \$1,291,200/biennium.

Section 7 increases penalties requiring Preventing Arrest convictions to be served consecutively to other underlying crimes. The average sentence is 607 days. Counting those admitted in 2023-24 who are not serving a consecutive sentence Preventing Arrest results in 135,914 consecutive bed days at an expense, after accounting for average conditional parole release, estimated at \$9,250,606/biennium.

Section 8 increases penalties requiring Simple Assault felony convictions to be served consecutively. The average imposed sentence is 1,577 days. Counting those admitted in 2023-24 who are not serving a consecutive sentence for Simple Assault results in 105,694 consecutive bed days at an expense, after accounting for average conditional parole, release of \$8,290,667 per biennium.

Under Section 10, parole eligibility is restricted by requiring all inmates sentenced to a term of imprisonment to at least 50% of the sentence imposed in confinement. The fiscal impact of this section removes the option to confine individuals at transitional facilities, it creates the need to hire Licensed Addiction Counselors previously providing services at transitional facilities and it requires individuals to serve at least 50% of the imposed sentence in confinement. The alternative housing, increased staff & additional confinement days result in anticipated fiscal expenses of \$18,474,340/biennium.

Under Section 11 there will be a fiscal impact on the additional consecutive sentences for listed offenses. Either DOCR or counties will incur these expenses of \$990,120.

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.

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.

Sec 2: Analysis of "eligible" inmates includes 8 of 238 currently in transitional facilities ((TF). If implemented today, 230 inmates would need to be transferred to a DOCR facility. The analysis compares the difference in expense for each TF, ranging from \$79.72 to \$101 per day, to a DOCR facility at \$148/day. It is estimated that these inmates will remain in a DOCR facility for 90 days which is about half the time inmates stay in a TF. It is calculated the change in daily cost is $\$13,934 * 230 \text{ non-eligible inmates} * 90 \text{ days} = \$1,254,074$. Sec 3: Currently 14.5 inmate FTEs work outside of their assigned facility. These positions would need to be filled by civilian labor. They include: 1 janitor (NDSP), 6.5 yard crew workers (NDSP, YCC, JRCC, JRMU & NDSH), 11 Rough Rider Industries Warehouse/Installers for a total of 14.5 FTE. The anticipated expense is \$2,045,192/biennium. Sec 5 & 6: An estimate of \$180,000 provided by Syscon for changes to inmate management system for changes to good time calc and for meritorious good time. Sec 6: Reducing meritorious conduct sentence reduction could result in an increased need for paid staff to perform Resident Crisis Support Team duties. This results in 8 FTE (4 NDSP & 24JRCC) for a total expense per month of \$6,725/FTE or \$1,291,200 each biennium. Sec 7 increases penalties requiring Preventing Arrest convictions to be served consecutively to other underlying crimes. The avg sentence is 607 days. Counting those admitted in 2023-2024 who are not serving a consecutive sentence Preventing Arrest results in 135,914 consecutive bed days at an expense, after accounting for avg conditional parole release, estimated at \$9,250,606/biennium. Sec 8 increases penalties requiring Simple Assault felony convictions to be served consecutively. The avg imposed sentence is 1,577 days. Counting those admitted in 2023-2024 who are not serving

a consecutive sentence for Simple Assault results in 105,694 consecutive bed days at an expense, after accounting for avg conditional parole, release of \$8,290,667 per biennium. Sec 10: This bill excludes transitional facilities from "confinement", eliminates access to treatment for those in transitional facilities and requires DOCR to provide those services, and requires all parole eligible inmates to serve at least 50% of their sentence in confinement. From 1/1/2023-12/31/2024, 114,966 inmate bed days were spent at a transitional facility. The average cost/day during that time was \$89. Moving inmates from transitional facilities to higher security, more restrictive housing increases the expense by \$59/day resulting in a fiscal impact of \$6,836,990. Other biennial fiscal considerations are estimated as follows due to lost wages from work at transitional facilities. Lost fines, fees, restitution \$600,000 - Lost Federal/State/Medicare Taxes \$1,550,727 - Lost Child Support \$1,923,470. These were estimated assuming \$17/hour full time job. Currently, treatment is provided at TF to 306 people. DOCR would have to hire 8 Licensed Addiction Counselors (LACs) to replace that service. The total monthly cost per LAC is \$8,370 for a total impact of \$1,617,850/biennium. LACs are difficult to hire and DOCR is currently has openings. This bill mandates that inmates serve at least 50% of their imposed sentence in confinement. Currently, the Parole Board has granted parole to some individuals before they reach this threshold. To estimate the fiscal impact, data from parole releases in 2023-24 were analyzed. The analysis found that bringing those who served less than 50% of their sentence up to the required threshold would result in an additional 100,195 bed days. At a cost of \$100/day, this would create a fiscal impact of \$10,019,500/biennium. Sec 11: Using the number of individuals admitted in FY23-24, the number of days added for the crime and a daily incarceration cost of \$148/day, the expense of this section is: fleeing 223 people for 30 days = \$990,120.

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.

Sec 2: Analysis of "eligible" inmates includes 8 of 238 currently in transitional facilities ((TF). If implemented today, 230 inmates would need to be transferred to a DOCR facility. The analysis compares the difference in expense for each TF, ranging from \$79.72 to \$101 per day, to a DOCR facility at \$148/day. It is estimated that these inmates will remain in a DOCR facility for 90 days which is about half the time inmates stay in a TF. It is calculated the change in daily cost is \$13,934 * 230 non-eligible inmates * 90 days = \$1,254,074. Sec 3: Currently 14.5 inmate FTEs work outside of their assigned facility. These positions would need to be filled by civilian labor. They include: 1 janitor (NDSP), 6.5 yard crew workers (NDSP, YCC, JRCC, JRMU & NDSH), 11 Rough Rider Industries Warehouse/Installers for a total of 14.5 FTE. The anticipated expense is \$2,045,192/biennium. Sec 5 & 6: An estimate of \$180,000 provided by Syscon for changes to inmate management system for changes to good time calc and for meritorious good time. Sec 6: Reducing meritorious conduct sentence reduction could result in an increased need for paid staff to perform Resident Crisis Support Team duties. This results in 8 FTE (4 NDSP & 24JRCC) for a total expense per month of \$6,725/FTE or \$1,291,200 each biennium. Sec 7 increases penalties requiring Preventing Arrest convictions to be served consecutively to other underlying crimes. The avg sentence is 607 days. Counting those admitted in 2023-2024 who are not serving a consecutive sentence Preventing Arrest results in 135,914 consecutive bed days at an expense, after accounting for avg conditional parole release, estimated at \$9,250,606/biennium. Sec 8 increases penalties requiring Simple Assault felony convictions to be served consecutively. The avg imposed sentence is 1,577 days. Counting those admitted in 2023-2024 who are not serving a consecutive sentence for Simple Assault results in 105,694 consecutive bed days at an expense, after accounting for avg conditional parole, release of \$8,290,667 per biennium. Sec 10: This bill excludes transitional facilities from "confinement", eliminates access to treatment for those in transitional facilities and requires DOCR to provide those services, and requires all parole eligible inmates to serve at least 50% of their sentence in confinement. From 1/1/2023-12/31/2024, 114,966 inmate bed days were spent at a transitional facility. The average cost/day during that time was \$89. Moving inmates from transitional facilities to higher security, more restrictive housing increases the expense by \$59/day resulting in a fiscal impact of \$6,836,990. Other biennial fiscal considerations are estimated as follows due to lost wages from work at transitional facilities. Lost fines, fees, restitution \$600,000 - Lost Federal/State/Medicare Taxes \$1,550,727 - Lost Child Support \$1,923,470. These were estimated assuming \$17/hour full time job. Currently, treatment is provided at TF to 306 people. DOCR would have to hire 8 Licensed Addiction Counselors (LACs) to replace that service. The total monthly cost per LAC is \$8,370 for a total impact of \$1,617,850/biennium. LACs are difficult to hire and DOCR is currently has openings. This bill mandates that inmates serve at least 50% of their imposed sentence in confinement. Currently, the Parole Board has granted parole to some individuals before they reach this threshold. To estimate the fiscal impact, data from parole releases in 2023-24 were analyzed. The analysis found that bringing those who served less than 50% of their sentence up to the required threshold would result in an additional 100,195 bed days. At a cost of \$100/day, this would create a fiscal impact of \$10,019,500/biennium. Sec 11: Using the number of individuals admitted in FY23-24, the number of days

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