

# FISCAL NOTE

Requested by Legislative Council

01/21/2003

Bill/Resolution No.: HB 1188

1A. **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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$7,181,850		\$30,326,380	
Appropriations			\$7,181,850		\$30,326,380	

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

House bill 1188 proposes to change the maximum sentence for a felony A from 20 to 30 years, for a felony B from 10 to 20 years, and for a felony C from 5 to 10 years. In preparing this fiscal note it is assumed that the number of people convicted of a felony and sentenced to the DOCR would remain constant with current levels. It is also assumed that the percent of sentence served by an inmate would also remain constant with today's levels (currently 68.4%). It is assumed that the average sentence imposed by the court currently would increase in proportion to the percent increase in maximum sentence proposed by HB 1188. For a felony A the current average sentence is 50 months, under HB 1188 the average sentence is estimated to increase to 75 months. For a felony B the current average sentence is 31 months, under HB 1188 the average sentence is estimated to increase to 62 months. For a felony C the current average sentence is 22 months, under HB 1188 the average sentence is estimated to increase to 44 months.

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.*

No fiscal effect on revenues

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.*

The effect of increasing the maximum sentences of felony convictions is longer prison stays. Longer prison stays equate to a greater need for additional prison beds. Due to the fact the DOCR is and expects to continue to be operating at full capacity, it is assumed that the need for additional prison beds created by this bill will be beds that are not in the DOCR system. This fiscal note computed the additional number of prison days felons would be in the custody of the DOCR. That number was multiplied by \$50, which is a conservative estimate of the daily cost to house an inmate for one day outside of the DOCR system. The resulting

figures are reflected above and represent the amount of contract housing dollars that must added to the DOCR appropriation in order to implement HB1188.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The amounts reflected above are the estimated amounts needed in order to contract for additional bed space that would be anticipated with the adoption of HB1188.

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**Agency:** DOCR  
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