

# FISCAL NOTE

Requested by Legislative Council  
01/21/2003

Bill/Resolution No.: HB 1452

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
<b>Revenues</b>						
<b>Expenditures</b>			\$799,520		\$1,045,760	
<b>Appropriations</b>			\$799,520		\$1,045,760	

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.*

The figures shown above reflect the fiscal effect on ONLY the Department of Corrections and Rehabilitation (DOCR). The fiscal effect on other State agencies or local governments could not be determined. However it is evident that this bill will cause a fiscal effect to both state and local revenues and expenditures beyond the DOCR. Inquiries were made to DOT as to the number of DUI violations and the resultant blood alcohol levels, to DHS as to the cost of implementing the treatment as specified in the bill and to the district court as to the percent of fines assessed in a DUI case that are actually collected. The responses from these entities did not provide adequate information to arrive at an estimated fiscal effect beyond the DOCR. The reason for such responses is not due to the lack of effort by these entities but rather the uncertainty of the need of resources that may or may not be necessary to implement this bill. It is important to note that the fiscal effect reported in this fiscal note represents ONLY the offenders sentenced to the DOCR under current law. It is safe to assume that more individuals will be sentenced to the custody of the DOCR if this bill is implemented, however due to lack of relevant data, the DOCR is unable to estimate the additional number of individuals that would be sentenced to its custody.

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.*

This bill provides for increased fines for a DUI violation dependent on blood alcohol levels. Although the DOCR believes it is a safe assumption that the amount of fines collected will increase as a result of this bill, we are unable to estimate the amount of increase.

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.*

As noted above the fiscal effect on expenditures in 1a above apply ONLY to the DOCR. HB 1452 will increase the length of prison stays for those sentenced under a DUI conviction and in addition will most likely increase the number of people sentenced to the custody of the DOCR. Due to the fact the DOCR is operating and expects to continue

operating at capacity, longer prison stays and more inmates equate to the need for additional prison beds. This fiscal note was prepared under the following assumptions:

1. Number of individuals convicted of DUI and sentenced to the custody of the DOCR will remain constant with the current levels (during 2002 42 individuals were admitted to the DOCR for a DUI conviction)
2. The percent of sentence served by an inmate will remain constant with the current percent of 68.4%.
3. Sentence imposed by the court on the 42 annual DUI admissions will change as follows:

	Current Law	HB1452
Felony B Conviction	0	17
Felony C Conviction	12	21
Misdemeanor A	30	4

4. The average sentence for a felony B conviction under HB1452 is estimated at 31 months. This estimate represents the current average sentence of a DOCR inmate serving time for a felony B conviction.

5. Additional prison beds \$50 day per inmate

HB1452 increases the number of months served by the estimated 42 DUI inmates in the 2003-05 biennium by 421 months (average per inmate 10.02 months). For the 2005-07 biennium the estimated increase is 688 months (average per inmate 16.4 months).

**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 appropriation amount noted in 1a above is the estimated amount that would need to be added to the 2003-05 DOCR executive recommendation if HB 1452 is implemented.

**Name:** Dave Krabbenhoft  
**Phone Number:** 328-6135

**Agency:** DOCR  
**Date Prepared:** 01/30/2003