FISCAL NOTE

Requested by Legislative Council 12/20/2014

Bill/Resolution No.: SB 2027

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.

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	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium			
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds		
Revenues								
Expenditures			\$116,400		\$116,400			
Appropriations			\$116,400		\$116,400			

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 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).

Measure relates to lengths of probation and changes the intermediate measure statute to allow the DOCR to incarcerate individuals on probation status for up to 5 non-successive periods during any 12 month period each of which cannot exceed 48 hours.

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.*

Section 2 changes the conditions of probation to include an intermediate measure (NDCC 12.1-32-07 section 3) to allow the DOCR up to 5 non-successive periods of incarceration during any 12 month period, each of which can not exceed 48 hours (48 hour hold).

It is assumed the incarceration would take place in a ND county jail facility (given the current capacity issues facing a number of ND county jail facilities this assumption may prove to be aggressive) and that the DOCR would pay the applicable county \$150 for each 48 hour hold (daily rate of \$75 x 2 days = \$150).

Other key assumptions for each year of the biennium:

- 1) 775 offenders on probation will face revocation of probation
- 2) 50% of offenders on probation facing revocation will have a 48 hour hold used

Computation of estimated cost:

Year 1 - 775 x 50% = 388 x \$150 = \$58,200

Year 2 - 775 x 50% = 388 x \$150 = \$58,200

Total estimated year 1 and 2 cost = \$116,400

It is also anticipated that the 48 hour hold program would a have a positive effect (decrease the number) on prison admissions due to probation revocation. However due to lack of historical data regarding the effect of a 48 hour hold program, the DOCR is unable to estimate the effect on prison admissions.

The estimated cost of the 48 hour hold program is not included in the DOCR 2015-17 executive budget recommendation.

- 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.

Estimated biennial expenditure amount to fully implement the 48 hour hold (based on above assumptions) would be the \$116,400 noted above. This amount would be paid to ND county jails to provide incarceration services under the proposed 48 hour hold.

Adult Services - \$116,400 - general funds

The estimated cost of the 48 hour hold program is not included in the DOCR 2015-17 executive budget recommendation.

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.

Estimated biennial appropriation required to fully implement the proposed 48 hour hold (based on above assumptions) is \$116,400.

Adult Services - \$116,400 - general funds

The estimated cost of the 48 hour hold program is not included in the DOCR 2015-17 executive budget recommendation.

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