

FISCAL NOTE
Requested by Legislative Council
02/11/2015

Amendment to: 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.*

	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 - $775 \times 50\% = 388 \times \$150 = \$58,200$

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

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

It is also anticipated that the 48 hour hold program would 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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