FISCAL NOTE
SENATE BILL NO. 2107
LC# 23.8013.04000
02/20/2023

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.

	2021-2023 Biennium		2023-2025 Biennium		2025-2027 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			$2,736,434		$14,511,673	
Appropriations			$2,736,434		$14,511,673	

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

Identify the fiscal effect on the appropriate political subdivision.

	2021-2023 Biennium	2023-2025 Biennium	2025-2027 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).

SB 2107 imposes a presumptive minimum term of imprisonment sentence, coupled with a requirement for people to serve 85% of the sentence before being eligible for release. These factors will increase state prison population counts.

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.

SB 2107 imposes a presumptive minimum term of imprisonment sentence, coupled with a requirement for people to serve 85% of the sentence before being eligible for release. These factors will increase state prison population counts and while also impacting court, state's attorneys, defense attorney resources and sheriff transportation costs as well as increasing county and regional jail population counts.

ND Association of Counties was contacted to provide a fiscal impact to Sheriff's, jails, and regional correctional facilities. She advised the DOCR that they would not be able to provide a fiscal impact at this time.
ND State Court was contacted and asked to provide fiscal impacts for the State Courts. We did not receive a response.
The North Dakota Public Defenders provided and estimate of $338, 823 based on the anticipated workload associated with the bill.
North Dakota State Attorney's Association was contacted and asked to provide a fiscal impact estimate and we did not receive a response.
North Dakota Attorney Generals Office was asked to provide 2019-2021 crime data statistic relating to all offenses listed in the bill or impacted by bill SB 2107. We did not receive a response from the Attorney Generals Office. This limits the DOCR ability to provide a more accurate fiscal note.

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.

N/A

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.

DOCR resources are limited to house additional residents relating to current legislation of SB2107. DOCR estimates the need to contract for bed space during year 2 of the 23-25 biennium. Due to capacity issues for DOCR and County jails, pursuit of housing options out of state may ensue. Costs for contracted beds were estimated at current daily rate which only includes housing ($85/day) and medical costs ($20/day).
Costs to house additional residents at DOCR facilities during year 1 of the 23-25 biennium is at a rate of $17/day. This includes variable costs for food, prescription drugs, clothing, outside medical and resident payroll.
We estimate additional contracted bed days as follows: Year 1= 0, Year 2=42, Year 3=126, Year 4=213, Year 5=267
Addition of 2 new FTE in Transitional Planning Department. $158,400/year on average
Additional Transport Officers $33,.500/year on average
Additional Transportation Expenses $15,600/year on average

The entire expenditures for 5 years is estimated for $28.2 million.

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.

The financial implications to the state and the counties are far reaching. DOCR has limited resources available to house the projected additional residents relating to current legislation of SB2107. DOCR would need to contract for bed space or explore building and operating additional prison beds. Costs to contract bed space were estimated at current daily rate of $105/day which includes housing ($85/day) and medical costs ($20/day). Costs to house additional residents at DOCR facilities is at a rate of $17/day. This includes variable costs for food, prescription drugs, clothing, outside medical and resident payroll.
Appropriation for 5 years is estimated for $28.2 million.

These projections are based solely on the fiscal note for SB2107 and does not take any other bills into consideration when estimating population costs.

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