

FISCAL NOTE
HOUSE BILL NO. 1225
LC# 25.0996.01000
01/17/2025

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.

	2023-2025 Biennium		2025-2027 Biennium		2027-2029 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures					\$13,618,039	
Appropriations					\$13,618,039	

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

Identify the fiscal effect on the appropriate political subdivision.

	2023-2025 Biennium	2025-2027 Biennium	2027-2029 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).

HB 1225 proposes increasing the penalty for Reckless Endangerment, elevating it from a Class C Felony to Class B Felony. Additionally the bill expands the range of offenses eligible for habitual offender designation allowing courts to include any felony punishable by imprisonment exceeding 360 days.

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.

HB1225 may have an impact on the length of sentence imposed by the court for 12.1-17-03 Reckless Endangerment. Currently the average sentence for a class C felony is 3.83 years and the average sentence for a Class B felony is 5.49 years. We have an annual average of 188 inmates sentenced to the DOCR for Reckless Endangerment. There is no fiscal impact in the upcoming biennium. Assuming the courts will increase the sentence

length to that of average Class B felony we would anticipate and offenders serving a sentence for Reckless Endangerment to serve an additional 1.66 years increasing the cost. Due to the delayed nature of the impact of this bill, the fiscal impact will begin in FY2028 at \$1.7 million and will increase to an annual expense of \$16.8 million in FY 2030.

On average, the DOCR processes 59 offenders sentenced under the 12.1-32-09 Habitual Offender statute annually. Expanding the scope to encompass all felonies carrying sentences exceeding 360 days, as applied in other 49 states, introduces significant uncertainty. It is challenging to predict how courts will interpret and implement these changes or how they might affect sentence durations. Consequently, we are unable to accurately estimate the fiscal impact of this proposed modification.

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.

The DOCR will not expect any revenues from the changes proposed in HB 1225.

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.

HB 1225 is expected to increase the length of incarceration, resulting in a corresponding rise in the overall inmate population. As a result, additional housing capacity will likely be required to accommodate inmates in county jails, regional correctional facilities, and out-of-state correctional facilities. Due to the delayed nature of the impact of this bill, the fiscal impact will begin in FY2028 at \$1.7 million and will increase to an annual expense of \$16.8 million in FY 2030.

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.

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