

FISCAL NOTE
SENATE BILL NO. 2128
LC# 25.8109.01000
01/21/2025
Revised - 01/20/2025

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			\$58,171,501		\$138,042,816	
Appropriations			\$58,171,501		\$138,042,816	

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).

This bill removes DOCR's authority to house inmates in transitional facilities, requiring residents to return to prison. Eligible inmates must serve 85% of their sentence in imprisonment thus eliminating parole after the bill's effective date.

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.

Under Section 2, very few inmates qualify as "eligible" and the fiscal impact of this section is to rehouse inmates currently in transitional facilities back at DOCR facilities. Taking a one day snapshot on 12/31/2024, the expected change in daily cost for non-eligible inmates is \$13,934.16 for approximately 90 days for a total fiscal impact of \$1,254,074.40.

Under Section 4, limiting good time to 15% will have a small impact on length of stay. It will also require programming the inmate management system at an expense estimated around \$60,000.

Under Section 6, 7, 8, there will be a fiscal impact on the additional consecutive sentences for listed offenses. Either DOCR or counties will incur these expenses.

Under Section 9, eliminates parole eligibility by requiring all inmates sentenced to a term of imprisonment to a term of 85%. The fiscal impact of this section reduces the number of inmates eligible for parole release each year and this action adds to the overall prison population. Over the past 3 years, an average of over 64% of released inmates are released on parole. ND DOCR is currently at physical capacity and in deferred status. For purposes of this note, we model any inmates over a population of 1,656 will be alternatively housed. The alternative housing cost is anticipated to be \$56,742,883 for FY 25-27 & \$139,481,788 for FY 27-29.

This will also impact parole supervisory staffing. The expected savings is \$1,108,932 in FY 25-27 and \$2,662,448 in FY 27-29.

Out of state transportation expenses are estimated at \$557,876 per biennium.

Out of state FTE costs are estimated at \$645,600 per biennium.

Out of state contract management & administration staff to manage \$881,184.

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.

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.

Section 2: analysis of "eligible" inmates includes 8 of the 238 currently in transitional facilities. If this were implemented today, 230 inmates would need to be transferred to a DOCR facility. The analysis compares the difference in expense for each transitional facility, ranging from \$79.72/day to \$101/day, to a DOCR facility at \$148/day. It is estimated that these inmates will remain in a DOCR facility for 90 days which is about half the time inmates stay in a transitional facility. It is calculated the change in daily cost is $\$13,934 \times 230 \text{ non-eligible inmates} \times 90 \text{ days} = \$1,254,074$.

Section 4 & 5: An estimate of \$60,000 provided by Syscon for changes to inmate management system for changes to good time calculation and for meritorious good time.

Section 9: This bill eliminates parole eligibility by requiring all inmates sentenced to a term of imprisonment of 85%. The fiscal impact of this section reduces the number of inmates eligible for release each year and this action adds to the overall prison population. Inmates over a population of 1,656 will be alternatively housed at an estimate \$100/day. The anticipated cost is \$58,171,501 for FY 25-27 & \$138,042,816 for FY 27-29.

This is calculated assuming steady admissions at 1,420/year. All the new admissions are to be released according to the length of stay for prior year admissions. The inmates eligible for parole are released at average annual rate of 64% of the diminishing population each year. Any inmates over 1,656 will move to alternative housing at an estimate of \$100/day.

Transportation expense are \$577,876/biennium that include mileage, meals, hotel, and other expenses.

4 FTE for transportation for alternative inmate housing. Same analysis as Section 5 for a total of \$645,600/biennium.

This will also impact parole supervisory staffing. FTE required for supervision fall from 12 to .5 over the next two bienniums. This is calculated using the cost of a parole FTE of \$121,250/year * the declining FTE requirements. The expected savings is \$1,108,932 in FY 25-27 and \$2,662,448 in FY 27-29.

Four FTE for contract and administrative management is estimated at \$881,184 each biennium.

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.

Under Section 2, very few inmates qualify as “eligible” and the fiscal impact of this section is to rehouse inmates currently in transitional facilities back at DOCR facilities. Taking a one day snapshot on 12/31/2024, the expected change in daily cost for non-eligible inmates is \$13,934.16 for approximately 90 days for a total fiscal impact of \$1,254,074.40.

Under Section 4, limiting good time to 15% will have a small impact on length of stay. It will also require programming the inmate management system at an expense estimated around \$60,000.

Under Section 6, 7, 8, there will be a fiscal impact on the additional consecutive sentences for listed offenses. Either DOCR or counties will incur these expenses.

Under Section 9, eliminates parole eligibility by requiring all inmates sentenced to a term of imprisonment to a term of 85%. The fiscal impact of this section reduces the number of inmates eligible for parole release each year and this action adds to the overall prison population. Over the past 3 years, an average of over 64% of released inmates are released on parole. ND DOCR is currently at physical capacity and in deferred status. For purposes of this note, we model any inmates over a population of 1,656 will be alternatively housed. The alternative housing cost is anticipated to be \$56,742,883 for FY 25-27 & \$139,481,788 for FY 27-29.

This will also impact parole supervisory staffing. The expected savings is \$1,108,932 in FY 25-27 and \$2,662,448 in FY 27-29.

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Out of state contract management & administration staff to manage \$881,184.

Contact Information

Name: Michele Zander

Agency: Corrections & Rehabilitation

Telephone: 7013286656

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