

FISCAL NOTE
SENATE BILL NO. 2128
LC# 25.8109.04000
04/02/2025

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			\$25,761,737		\$25,736,737	
Appropriations			\$25,761,737		\$25,736,737	

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).

Bill to create, enact and amend sections related to sentences for tampering electronic devices, escape and other offenses.

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 3, an offender may be gainfully employed in the facility in which the resident resides. There are 14.5 inmate positions impacted where inmates will no longer be allowed to work at facilities they do not reside in, and civilian labor will be required to fill these positions. The fiscal impact is estimated at \$2,045,192.

Under Section 6, reducing meritorious conduct sentence reduction could result in an increased need for staff to

perform Resident Crisis Support Team duties that would have otherwise been performed by an inmate. The fiscal impact is estimated at \$1,291,200/biennium. An estimate of \$25,000 provided by Syscon for changes to inmate management system for changes to meritorious good time.

For all of the sections below, these are new penalties in law and in order to predict fiscal costs we used previous sentencing data.

Section 7 creates a new penalty in Chapter 12-67 that requires 1 year minimum consecutive sentence for tampering with GPS strap. There have not been any inmates with GPS tampering admitted in the last biennium. We estimate about 15 people might be sentenced to this crime in a biennium. Each offender will be required to be sentenced to 1 year at \$148/day and we assume an average DOCR sentence served (does not include jail served) of 52% of the sentence prior to conditional release on parole resulting in an estimated cost of \$425,791/biennium.

Section 8 increases penalties requiring Preventing Arrest convictions to be served consecutively to other underlying crimes. The average sentence is 607 days. Counting those admitted in 2023-2024 who are not serving a consecutive sentence Preventing Arrest results in 135,914 consecutive bed days at an expense, after accounting for average conditional parole release, estimated at \$9,250,606/biennium.

Section 9 increases penalties requiring all felony Escape convictions to be served consecutively (except with tampering) and impose a 1 year minimum. The average imposed sentence is 603 days. Counting those admitted in 2023-2024 who are not serving a consecutive sentence for Escape results in 49,071 consecutive bed days at an expense, after accounting for average conditional parole release, of \$3,350,741/biennium.

Section 13 increases penalties requiring Simple Assault felony convictions to be served consecutively. The average imposed sentence is 1,577 days. Counting those admitted in 2023-2024 who are not serving a consecutive sentence for Simple Assault results in 105,694 consecutive bed days at an expense, after accounting for average conditional parole, release of \$8,290,667/biennium.

Section 16 increases penalties requiring Fleeing to serve 30 days consecutively. In 2023-2024, 209 people were admitted with a Fleeing offense. This results in 6,270 consecutive bed days at an expense, after accounting for average conditional parole release, of \$482,539/biennium.

Section 17 appropriates \$600,000/biennium for electronic monitoring.

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.

Under Section 3, an offender may be gainfully employed in the facility in which the resident resides. There are 14.5 inmate positions impacted where inmates will no longer be allowed to work at facilities they do not reside in, and civilian labor will be required to fill these positions. They include: 1 janitor (NDSP), 6.5 yard crew workers (NDSP, YCC, JRCC, JRMU & NDSH), 11 Rough Rider Industries Warehouse/Installers for a total of 14.5 FTE. The anticipated expense is \$2,045,192/biennium.

Under Section 6: Reducing meritorious conduct sentence reduction could result in an increased need for paid staff to perform Resident Crisis Support Team duties. This results in 8 FTE (4 NDSP & 4 JRCC) for a total expense per month of \$6,725/FTE or \$1,291,200 each biennium. An estimate of \$25,000 provided by Syscon for changes to inmate management system for changes to meritorious good time.

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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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