

FISCAL NOTE

Requested by Legislative Council
03/02/2001

Bill/Resolution No.:

Amendment to: Engrossed
 HB 1367

1A. **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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0				
Appropriations	\$0	\$0				

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0		\$0	\$0		\$0	\$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Engrossed HB 1367, as amended, relates to the penalties for aggravating factors in drug offenses. It allows the prosecutor to increase the classification of an offense when the quantity of various controlled substances reach a certain level, depending on the controlled substance

Information is not available to estimate the impact of this amendment. Department of Corrections staff contacted states attorneys around the state to ask their opinion regarding the impact of Engrossed HB1367, as amended. Generally states attorneys stated that they anticipated no significant increase in the amount of time an offender would be sentenced to serve in prison or on probation. Some states attorneys indicated that they would be willing to charge offenders under the aggravating circumstances. Others indicated that the courts were likely to sentence offenders based on the circumstances of the offense rather than the criminal classification. Thus, there is no solid information available upon which to prepare a fiscal note on the "aggravating factors" amendment.

The amendment also would apply the mandatory minimum drug sentencing statute to persons beginning at age 16 rather than age 18. Present statute already provides that 16 year olds involved in the sale or manufacture of drugs can be waived into adult court. If waived into adult court, there have been no offenders sentenced to the prison at age 16 pursuant to this statute. Unless prosecutors and judges would begin to handle cases differently we do not believe that applying the mandatory minimum drug sentencing to offenders beginning at age 16 would have a significant fiscal impact.

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.*

No impact.

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.*

See narrative above.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

See narrative above.

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