

FISCAL NOTE

Requested by Legislative Council
02/02/2001

REVISION

Bill/Resolution No.: HB 1364

Amendment to:

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 | \$0 | \$0 | \$0 | \$0 |
| Appropriations | \$0 | \$0 | \$0 | \$0 | \$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 | \$0 | \$0 |

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

House Bill No. 1364 deletes first time drug offenders from the mandatory-minimum sentencing for drug offenders who manufacture, deliver, or possess with the intent to manufacture or deliver a controlled substance. Based upon information available to the Department it is difficult to ascertain whether an inmate is a first time drug offender. However, based upon the data available we estimate that approximately 51 offenders sentenced to the DOCR in Year 2000 were first time mandatory-minimum sentenced drug offenders. It is not possible to determine how many of these offenders would have been diverted from prison through adoption of HB No. 1364, however, we believe it is safe to assume that at least some offenders, as first time drug offenders, would not have been sentenced to prison. The data shows that nine first time mandatory-minimum sentenced offenders received a sentence of a year and a day. If these first time offenders were diverted from prison through HB1364 the savings to the State in costs of incarceration averted would be \$270,000 per biennium (9offendersx\$50perdayx300daysx2years). If 50% of the first time mandatory-minimum sentenced offenders were not sentenced to prison the savings in costs of incarceration averted would be \$750,000. The actual savings to the Department of Corrections during the first biennium would be less because it would take a few months until

offenders would be sentenced under the HB1364, and savings for female offenders diverted would be reduced since the Department has open female beds at this time.

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.*

None

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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Agency: Dept. of Corrections
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Prepared: