

# FISCAL NOTE

Requested by Legislative Council  
02/07/2001

Bill/Resolution No.: HB 1363

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
<b>Revenues</b>	\$0	\$0	\$0	\$170,899	\$0	\$268,531
<b>Expenditures</b>	\$0	\$0	\$680,453	\$170,899	\$660,877	\$268,531
<b>Appropriations</b>	\$0	\$0	\$680,453	\$170,899	\$660,877	\$268,531

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

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

Increasing the penalty for the offenses covered in this bill from a Class B misdemeanor to a Class A misdemeanor would have a major impact on the DOCR. Currently offenders who commit a class B misdemeanor are not sentenced to the DOCR to be supervised by the Field Services Division (probation).

The North Dakota Council on Abused Women Services 1999 annual report shows 3,597 people were victims of domestic assault. The report indicates that 36% of the domestic assault cases resulted in an arrest. Assuming one victim to one offender ratio we assume 1,295 offenders were arrested. Using an 80% conviction rate 1,036 offenders would be sentenced to a class "A" misdemeanor sanction. The class "A" misdemeanor sanction would allow the Courts to place the offender under the supervision of the DOCR. Assuming 50% of those offenders would be placed under the Field Services Division supervision the DOCR would see its probation offender count rise by 518 offenders by July 1, 2002 (utilizing 1999 data).

The Field Services Division would need an additional 10 parole officer positions around the State. The expenditure estimate provides for the staggering of these officers' hiring dates through the first year of the biennium. In addition, the Department of Transportation would be asked to add 5 vehicles to their State Fleet to provide transportation for these officers (\$14,800 per vehicle).

We have no way to estimate the impact on other units of government if offenders were sentenced to longer jail terms than under current statute. Also, this fiscal note does not include a cost for any offenders who might be sentenced to prison in DOCR facilities.

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.

The Field Services Division, using the above assumptions, estimates on average 43 new admissions to probation per month. It estimates a cash collection rate of 40% of the present \$36 per month supervision fee that is assessed to offenders. Based on these assumptions supervision fees collected would total approximately \$170,899 special funds during the 2001-2003 biennium and \$268,531 during the 2003-2005 biennium.

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.

The cost incurred to fund ten new probation officers would be as follows:

	<u>2001-2003</u>	<u>2003-2005</u>
Salaries and Wages	\$634,032	\$783,332
Operating	118,320	146,076
Equipment	25,000	0
DOT Vehicles	<u>74,000</u>	<u>0</u>
Totals	\$851,352	\$929,408

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.

The information included in Section 1 indicates the amount and funding source for the additional appropriation that would be required.

**Name:** Warren Emmer  
**Phone Number:** 328-6193

**Agency:** Dept. Of Corrections & Rehabilitation  
**Date** 02/08/2001  
**Prepared:**