

FISCAL NOTE
Requested by Legislative Council
04/22/2013

Amendment to: Reengrossed HB 1302

- 1 A. **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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$6,164,406		\$6,498,954
Expenditures			\$4,699,885	\$6,164,406	\$6,266,080	\$5,729,943
Appropriations			\$4,699,885	\$6,164,406	\$6,266,080	\$5,729,943

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties		\$1,960,000	\$1,960,000
Cities			
School Districts			
Townships			

- 2 A. **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 provides for increased probation and incarceration requirements and increased usage of the 24/7 sobriety program.

- B. **Fiscal impact sections:** *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.*

This bill contains several sections that will fiscally impact local jurisdictions, the Office of the Attorney General, and the Department of Corrections and Rehabilitation. Impact will come through increased usage of the 24/7 sobriety program, and increased probation and incarceration requirements. As amended this bill should have no material fiscal impact to the Department of Transportation.

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 increase revenues shown in Part 1A of this fiscal note result from an increased number of participants in the 24/7 sobriety program and an increased number of individuals on supervised probation.

- 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.*

County fiscal impact determined by assuming one-half of the 4000 first-time DUI offenders per year would be incarcerated for 2 days and 2,000 second-time DUI offenders would be incarcerated for 10 days (increase of 5 days from current practice). Incarceration cost per day estimated at \$70. No material fiscal impact anticipated for 3rd time offenders. The DOCR impact was determined by estimating, 102 3rd offenses per year and 213 4th or more offenses per year. The DUI offenses would increase the average daily prison population by 68 in FY14, 133 in FY15, 121 in FY16 and 114 in FY17. This increase would cause DOCR facilities to reach capacity by FY15 resulting in a need to contract for additional bed space (non-treatment beds) as follows: FY15 - 17, FY16 - 25 and FY17 - 38.

Remaining bed needs would be met by designating 30 existing DOCR beds for DUI treatment and contracting for 50 DUI treatment beds. Probation caseloads would increase as follows: FY15 - 58, FY16 - 275, FY17 - 343. Costs estimated for the purpose of this fiscal note include medical, food, contract housing, treatment beds, and additional FTE's to provided community supervision (probation). See attached for computation. Office of Attorney General fiscal impact: There are approximately 6,400 resident DUI's per year. In addition, approximately 950 children (17 and under) will likely participate in the 24/7 Sobriety program. As a result of this bill, the office estimates about 35% of the participants will use SCRAM bracelets. The Office of Attorney General currently has 374 SCRAM bracelets. This bill could require an estimated 2,573 additional bracelets which results in a net increase of 2,199 new bracelets. Total 2013-15 biennium estimated expenditures are \$7,443,901 (\$6,146,511 from other funds - participant fees and \$1,297,390 from the general fund). Estimated expenditures for the 2015-17 biennium are \$5,540,677 which will be paid from participant fees (other funds).

- C. **Appropriations:** *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 is also included in the executive budget or relates to a continuing appropriation.*

DOCR - Total 2013-15 biennium estimated appropriation needed \$3,420,321 (\$3,402,495 general fund and \$17,895 other funds)and 1 FTE; 2015-17 biennium \$6,266,080(\$6,076,814 general funds and \$189,266 other funds)and 5 FTE. Attorney General - Total 2013-15 biennium estimated appropriations needed are \$7,443,901 (\$6,146,511 from other funds - participant fees and a \$1,297,390 general fund appropriation). The Office of Attorney General estimates an appropriation of \$5,540,677 will be needed for the 2015-17 biennium from participant fees (other funds).

Name: David Krabbenhoft

Agency: DOCR

Telephone: 701-328-6135

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District Court Data January 1, 2007 thru December 31, 2012 (6 years)						
	Total by Offense	Unknown - Misdemeanor A	Unknown - Misdemeanor B	Converted Degree	Adjusted Total by Offense	Average Offense Per Year
1st Offense	10,441				13,954	2,325.67
2nd Offense	3,489		3,496	17	3,489	581.50
3rd Offense	156	457			613	102.17
4th Offense	1,141				1,141	190.17
5 + Offense	134				134	22.33
Unkown	3,970	(457)	(3,496)	(17)	-	-
Total DUI and APC	19,331	-	-		19,331	3,222
Assumptions						
1) Offenses occur evenly through the year						
2) Actual time incarcerated is equal to minimum mandatory sentence						
3) All time incarcerated for misdemeanor B and A (1st, 2nd, and 3rd offense) at county level						
4) 2nd offense probation is unsupervised and will not impact DOCR supervision caseloads; 100% of 3rd, 4th and subsequent offense probation is supervised and will impact DOCR supervision caseloads						
5) All time incarcerated for felony C (4th and subsequent offense) incarcerated at state level						
6) Actual time incarcerated is equal to minimum mandatory sentence						
7) Contract housing beds \$70 per day (no treatment services included in rate)						
8) 30 existing DOCR beds to be designated for DUI treatment using existing resources						
9) Contract treatment program beds \$97.00 per day (program available January 1, 2014)						
10) Estimated available drug court capacity (35) consumed by 2nd and 3rd offenses (no offset to 4 and subsequent incarceration)						
11) Revised 2013-15 estimated inmate population used in determining fiscal effect						
12) All aspects of the 24/7 sobriety program administered by the Office of the Attorney General						
Offenses Per Month						
2nd Offense DOCR Probation						
3rd - Offense	8.51	8.51	8.51	8.51	8.51	
4th +	17.71	17.71	17.71	17.71	17.71	
Increase in Prison Average Daily Population (ADP)						
	FY2014	FY2015	FY2016	FY2017		
DOCR Incarcerated	43	71	59	52		
Current Ave of DUI Incarcerated	18	18	18	18		
Est Increase in Prison ADP #1	25	53	41	34		
Est ADP - DOCR Treatment #2	25	30	30	30		
Est ADP - Contract Treatment #3	18	50	50	50		
Contract Housing						
	FY2014	FY2015	FY2016	FY2017		
Budgeted Capacity DOCR	1,298	1,298	1,298	1,298		
Revised Est Population	1,212	1,232	1,252	1,272		

Bill Effect on ADP (#1 + #2)									
Needed Beds	50	83	71	64					
Days	-	17	25	38					
Bed Cost Per Day	\$ 334	\$ 365	\$ 365	\$ 365					
Est Cost - Contract Beds (No Treat)	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000					
	\$ -	\$ 434,350	\$ 630,319	\$ 970,900					
Est DOCR Contracted Treatment Beds									
Needed Contract Treatment Beds (#3)									
Days	18	50	50	50					
Bed Cost Per Day	365	365	365	365					
Est Cost - DOCR Contracted Treatment Beds	622,420	1,770,250	1,770,250	1,770,250					
Increase in Probation									
2nd Offense	-	-	-	-					
3rd Offense	22	95	102	102					
4th + Offense	12	162	372	440					
Less:									
Current Ave of DUI Probation	199	199	199	199					
Total Estimated Increase	-	58	275	343					
Target Caseload / Officer	65	65	65	65					
Necessary Officers	-	1	4	5					
Est FTE Cost / Year	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000					
Est Cost - Probation	\$ -	\$ 75,000	\$ 300,000	\$ 375,000					
Inmate Costs									
13-15 Budgeted Medical									
Increase Inmates									
Days	649	649	649	649					
Increase Medical	50	83	71	64					
13-15 Budgeted Food									
Increase Inmates									
Housed Outside Doctr									
Net Inc Inmates	50	17	25	38					
Days	334	365	365	365					
Increase Food	\$ 83,213	\$ 119,486	\$ 83,278	\$ 47,070					
Est Cost - Inmate	202,200	316,101	250,685	198,677					
Est Total Cost	824,620	2,595,701	2,951,254	3,314,827					
Total Cost 13-15	3,420,321								
Total Cost 15-17				6,266,080					

