



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2017 Biennium

**Bill #** SB0090

**Title:** Revise penalties eliminating jail time for certain misdemeanors

**Primary Sponsor:** Swandal, Nels

**Status:** As Introduced

- Significant Local Gov Impact    
 Needs to be included in HB 2    
 Technical Concerns  
 Included in the Executive Budget    
 Significant Long-Term Impacts    
 Dedicated Revenue Form Attached

### FISCAL SUMMARY

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
<b>Expenditures:</b>				
General Fund	(\$121,598)	(\$972,780)	(\$987,372)	(\$1,002,182)
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>\$121,598</u>	<u>\$972,780</u>	<u>\$987,372</u>	<u>\$1,002,182</u>

**Description of fiscal impact:** By eliminating the possibility of jail time on the offenses included in this bill, the number of misdemeanor cases handled by the Office of the State Public Defender would decrease. A person is not entitled to a public defender if the statute does not provide for jail time.

### FISCAL ANALYSIS

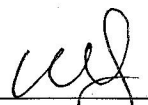
#### Assumptions:

#### **Office of Public Defender (OPD)**

1. The Office of the State Public Defender has the statutory obligation to represent individuals charged with a crime who cannot afford to hire counsel, represent individuals on direct appeal, and also to provide counsel if there is a conflict of interest.
2. The agency uses both state hired staff attorneys and contracted private attorneys to provide legal services. The savings reflected in this fiscal note is created (1) when the agency avoids sending these cases to a contract attorneys and (2) when staff attorneys that normally handle these type of cases have time freed up to do work that would otherwise be given to a contract attorney.
3. The number of new cases of these types received by the Office of the State Public Defender in FY 2014 is approximately 4,097.

4. These are stand-alone charges as the number of cases does not include those cases in which the offenses, which are the subject of this bill, are joined with another offense for which the person is entitled to a public defender.
5. No one attorney within the agency has a caseload exclusive to these offenses.
6. Depending on the charge, the agency estimates that it takes between 3 and 7 hours of attorney work time per case.
7. When adjusted for assumed conflict cases, reduced contract hours would be approximately 15,690 hours. The hourly contract attorney rate is \$62/hour.
8. The savings in each office would not be sufficient enough to reduce the number of attorneys, but would be used to handle further caseload growth or transfer contract cases to existing FTE.
9. Statewide savings to the agency for a full year are estimated at \$972,780 in FY 2017.
10. The bill is effective for offenses committed after July 1, 2015. Agency staff would need to work existing cases during FY 2016 and beyond. Therefore, savings shown are not fully reflected in FY 2016.
11. A 1.5 percent per year inflation factor is applied in the 2019 biennium.

	<u>FY 2016</u> <u>Difference</u>	<u>FY 2017</u> <u>Difference</u>	<u>FY 2018</u> <u>Difference</u>	<u>FY 2019</u> <u>Difference</u>
<b>Fiscal Impact:</b>				
<b>Expenditures:</b>				
Operating Expenses	(\$121,598)	(\$972,780)	(\$987,372)	(\$1,002,182)
<b>TOTAL Expenditures</b>	<u>(\$121,598)</u>	<u>(\$972,780)</u>	<u>(\$987,372)</u>	<u>(\$1,002,182)</u>
<b>Funding of Expenditures:</b>				
General Fund (01)	(\$121,598)	(\$972,780)	(\$987,372)	(\$1,002,182)
<b>TOTAL Funding of Exp.</b>	<u>(\$121,598)</u>	<u>(\$972,780)</u>	<u>(\$987,372)</u>	<u>(\$1,002,182)</u>
<b>Revenues:</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>TOTAL Revenues</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</b>				
General Fund (01)	\$121,598	\$972,780	\$987,372	\$1,002,182

  
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 Sponsor's Initials

5 Jan 14  
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 Date

  
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 Budget Director's Initials

12/15/14  
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 Date