

FISCAL NOTE

Bill #: SB0489

Title: Revise 4th offense DUI sentencing to consider fiscal impact

Primary Sponsor: Lorents Grosfield

Status: Second Reading-2nd House
As Amended

Sponsor signature

Date

Chuck Swysgood, Budget Director

Date

Fiscal Summary

	<u>FY2002</u> <u>Difference</u>	<u>FY2003</u> <u>Difference</u>
Expenditures:		
General Fund	(57,312)	(2,561,127)
Revenue:	0	0
Net Impact on General Fund Balance:	\$57,312	\$2,561,127

<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>	
	X	Significant Local Gov. Impact		X	Technical Concerns
	X	Included in the Executive Budget	X		Significant Long-Term Impacts
	X	Dedicated Revenue Form Attached	X		Family Impact Form Attached

Fiscal Analysis

ASSUMPTIONS:

1. In FY 2000, there were 274 offenders convicted under 61-8-401, 61-7-714 and 61-8-731, MCA.
2. Since 1991, there have been 1,197 fourth time DUI convictions, with 1,107 of these convictions occurring since 1995.
3. The average time served for this offense in prison/pre-release, including any suspended time imposed, is 13.8 months.

(continued)

4. Under the proposed legislation, time served would be 6 months in a residential alcohol treatment program.
5. Estimated daily cost for the residential alcohol treatment program is \$45.68 in FY 2002 and \$43.19 in FY 2003. Estimated contracted prison costs per day are \$58.75 in FY 2002 and \$59.92 in FY 2003.
6. Capacity of new program is 140 beds.
7. The program would start on January 1, 2002. Approximately 23 offenders per month would enter the program. After the first six months, it is assumed that 5 offenders per month, or approximately 20% would fail and re-enter the correctional system.
8. The department cannot estimate the number of offenders who would be able to pay for their treatment under this legislation. However, any funds received will be deposited into the general fund.
9. This fiscal note considers offenders that do not enter the DUI program and are sent to prison. The department estimates that this will be approximately ten percent, or 28 offenders per year. The cost for FY 2002 is \$133,575 and for FY 2003 is \$179,981.
10. The estimated cost of the new program is \$667,156 in FY 2002 and \$2,165,633 in FY 2003. Savings from a decrease in contract beds is \$858,044 in FY 2002 and \$4,897,741 in FY 2003. The net general fund savings is \$57,313 in FY 2002 and \$2,561,127 in FY 2003.

FISCAL IMPACT:

	<u>FY2002</u> <u>Difference</u>	<u>FY2003</u> <u>Difference</u>
<u>Expenditures:</u>		
Operating Expenses	800,731	2,345,614
Operating Expenses – Contract Bed Savings	<u>(858,044)</u>	<u>(4,897,741)</u>
TOTAL	(\$57,313)	(\$2,561,127)
<u>Funding:</u>		
General Fund (01)	(\$57,313)	(\$2,561,127)
<u>Net Impact to Fund Balance (Revenue minus Expenditure):</u>		
General Fund (01)	\$57,313	\$2,561,127

LONG-RANGE IMPACTS:

In future biennia, average annual general fund savings will be approximately \$3 million per year.