

GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING**Fiscal Note 2013 Biennium**

Bill #	SB0050	Title:	Eliminate jail time for certain misdemeanor offenses
Primary Sponsor:	Gallus, Steven	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 2012 Difference</u>	<u>FY 2013 Difference</u>	<u>FY 2014 Difference</u>	<u>FY 2015 Difference</u>
Expenditures:				
General Fund	\$0	(\$505,200)	(\$515,304)	(\$525,610)
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$505,200</u>	<u>\$515,304</u>	<u>\$525,610</u>

Description of fiscal impact: By eliminating jail time possibility on these several offenses, 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:**

- The number of new cases of these types received by the Office of the State Public Defender in FY 2010 is approximately 2,274. In addition to these stand alone cases there were approximately 5,850 other charges for total cases of 8,124.
- Taking an average number of hours per case (ranges from 1.5 to 4.5 hours) per stand alone case impacted by this bill the agency estimates a reduction of 8,420 hours. The hourly contract rate is \$60/hour for a total estimated savings of \$505,200 in FY 2013.
- There is a 2% per year inflation factor applied to operating expenses in FY 2014 and FY 2015.

Fiscal Note Request – As Introduced

(continued)

4. The number of cases does not include those cases in which the crimes, which are the subject of this bill, are joined with another crime for which the person would still be entitled to a public defender.
5. No one attorney within the agency has a caseload exclusive to these crimes.
6. The savings in each office would not be sufficient enough to reduce FTE, but would be used to handle further caseload growth or transfer contract cases to FTE.
7. Agency staff would need to work ongoing cases during FY 2012 and beyond.
8. The decreased caseload is spread out among a number of attorneys across the state and would result in only a minimal case reduction for any one attorney.
9. In the first year, the agency assumed zero fiscal impact because due to the transition.

	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>	<u>FY 2014 Difference</u>	<u>FY 2015 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses	\$0	(\$505,200)	(\$515,304)	(\$525,610)
<u>Funding of Expenditures:</u>				
General Fund (01)	\$0	(\$505,200)	(\$515,304)	(\$525,610)
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	\$0	\$505,200	\$515,304	\$525,610

Effect on County or Other Local Revenues or Expenditures:

1. This bill would eliminate incarceration for certain offenses. For each day of incarceration not imposed should this bill pass, county detention centers would save somewhere in the range of \$60.

Sponsor's Initials

Date

Budget Director's Initials

Date