

Consolidated Fiscal Note – 2011-12 Session

Bill #: H1043-0 **Complete Date:** 03/25/11

Chief Author: GAUTHIER, KERRY

Title: MV PROPERTY CRIME PENALTIES

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agencies: Corrections Dept (03/15/11)
 Public Defense Board (03/25/11)
 Public Safety Dept (03/14/11)

Supreme Court (03/18/11)
 Sentencing Guidelines Comm (03/14/11)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY11	FY12	FY13	FY14	FY15
Net Expenditures					
General Fund	0	63	111	133	134
Supreme Court		24	24	24	24
Public Defense Board		20	20	20	20
Corrections Dept	0	19	67	89	90
Revenues					
-- No Impact --					
Net Cost <Savings>					
General Fund	0	63	111	133	134
Supreme Court		24	24	24	24
Public Defense Board		20	20	20	20
Corrections Dept	0	19	67	89	90
Total Cost <Savings> to the State	0	63	111	133	134

	FY11	FY12	FY13	FY14	FY15
Full Time Equivalents					
General Fund	0.00	0.45	1.15	1.45	1.45
Public Defense Board		0.25	0.25	0.25	0.25
Corrections Dept	0.00	0.20	0.90	1.20	1.20
Total FTE	0.00	0.45	1.15	1.45	1.45

Consolidated EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 03/25/11 Phone: 651-201-8033

Fiscal Note – 2011-12 Session

Bill #: H1043-0 **Complete Date:** 03/15/11

Chief Author: GAUTHIER, KERRY

Title: MV PROPERTY CRIME PENALTIES

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Corrections Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY11	FY12	FY13	FY14	FY15
Expenditures					
General Fund	0	19	67	89	90
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
General Fund	0	19	67	89	90
Revenues					
-- No Impact --					
Net Cost <Savings>					
General Fund	0	19	67	89	90
Total Cost <Savings> to the State	0	19	67	89	90

	FY11	FY12	FY13	FY14	FY15
Full Time Equivalents					
General Fund	0.00	0.20	0.90	1.20	1.20
Total FTE	0.00	0.20	0.90	1.20	1.20

Bill Description

The proposed legislation creates gross misdemeanor and felony provisions in the motor vehicle tampering statute. A person is guilty of a gross misdemeanor offense if they have previously been convicted two or more times for motor vehicle use without consent, receiving stolen property, possession of burglary tools, or criminal damage to property. A person will be guilty of a felony if they have previously been convicted four or more times for the aforementioned offenses.

Assumptions

- **The Minnesota Sentencing Guidelines Commission (MSGC) predicts that some portion of offenders convicted for the existing motor vehicle tampering offense would become gross misdemeanors and some would become felonies, depending on the number of specified prior convictions a person has.**
- **For the purposes of this fiscal note, the MSGC estimates 40 offenders per year would be eligible for the gross misdemeanor sentence, and 40 would be eligible for the felony sentence. It is assumed the new felony motor vehicle tampering offense would be ranked at severity level 1 or 2, and most offenders would be recommended stayed sentences. MSGC data indicates 14% of offenders sentenced in 2009 for offenses ranked at severity level 1 and 2 received executed prison sentences.**
- **The MSGC estimates an additional 40 offenders per year would receive felony sentences as a result of the provisions of this bill, and 6 of those would receive executed prison sentences of 18.6 months (serve 12.5 months).**
- **The year-by-year estimated prison bed impact is 2 beds in FY12 and 6 beds in FY13 and each subsequent year.**
- The impact on supervision caseloads statewide is expected to be minimal, however the accumulative effect could be significant as new offenses or penalty enhancements are enacted.
- Prison bed costs are based on a marginal cost per diem for each fiscal year. The annual per diems are as follows: FY12 \$40.55, FY13 \$40.74, FY14 \$40.86, and FY15 \$40.96. This includes marginal costs for all facility, private and public bed rental, health care and support costs.
- The annual cost is estimated by multiplying the number of prison beds needed by the subsequent annual per diem. Unless otherwise noted, prison beds are phased in on a quarterly basis.
- Prison bed FTE impact for the increase in the offender population assumes 80 percent of the ongoing bed impact is personnel-related and the average salary is \$60,000 per year including benefits.
- An effective date is not specified, but it is assumed this bill will be effective August 1, 2011 and will apply to offenses committed on or after that date.

Expenditure and/or Revenue Formula

Costs for Prison Beds - DOC

Fiscal Year	2012	2013	2014	2015
Number of Prison Beds	2	6	6	6
Cost of Prison Beds (in 000s)	19	67	89	90
FTEs	0.2	0.9	1.2	1.2

Long- Term Fiscal Considerations

Costs will continue into subsequent years.

Local Government Costs

The fiscal impact on local correctional resources is uncertain. Approximately 80 offenders would move from misdemeanor to gross misdemeanor or felony-level probation, and it is assumed they would receive more jail time as a result.

References/Sources

Department of Corrections Staff
Minnesota Sentencing Guidelines Commission

Agency Contact Name: CHRIS DODGE (651-361-7264)

FN Coord Signature: KRIS BLAZEK

Date: 03/15/11 Phone: 651-361-7259

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 03/15/11 Phone: 651-201-8033

Fiscal Note – 2011-12 Session

Bill #: H1043-0 **Complete Date:** 03/14/11

Chief Author: GAUTHIER, KERRY

Title: MV PROPERTY CRIME PENALTIES

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Public Safety Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY11	FY12	FY13	FY14	FY15
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY11	FY12	FY13	FY14	FY15
Full Time Equivalents					
-- No Impact --					
Total FTE					

This bill version has no fiscal effect on our agency.

FN Coord Signature: FRANK AHRENS
Date: 03/14/11 Phone: 651-201-7050

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: KEITH BOGUT
Date: 03/14/11 Phone: 651-201-8034

Fiscal Note – 2011-12 Session

Bill #: H1043-0 **Complete Date:** 03/18/11

Chief Author: GAUTHIER, KERRY

Title: MV PROPERTY CRIME PENALTIES

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Supreme Court

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY11	FY12	FY13	FY14	FY15
Expenditures					
General Fund		24	24	24	24
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
General Fund		24	24	24	24
Revenues					
-- No Impact --					
Net Cost <Savings>					
General Fund		24	24	24	24
Total Cost <Savings> to the State		24	24	24	24

	FY11	FY12	FY13	FY14	FY15
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

This bill creates gross misdemeanor and felony provisions in the motor vehicle tampering statute (M.S. § 609.546). A person is guilty of a gross misdemeanor offense if he or she has previously been convicted two or more times for violating subd. 1 of this section; motor vehicle use without consent (§ 609.52, subd. 2(17)); receiving stolen property (§ 609.53); possession of burglary tools (§ 609.59); or criminal damage to property (§ 609.595). A person is guilty of a felony if he or she has previously been convicted four or more times of the above-mentioned statutes.

There is no statutory maximum provided for the felony offense, nor is there an effective date within the bill.

Assumptions

Information from the State Court Administrator's Office indicates that in the last five years (2006 to 2010), there has been an average of 307 convictions each year for the existing motor vehicle tampering offense. Under the provisions of this bill, some portion of these offenses will become gross misdemeanors and some will become felonies, depending on the number of specified prior convictions a person has.

According to 2009 MSGC Monitoring Data, 13 percent of offenders sentenced for the above-mentioned statutes had four or more prior property convictions and 15 percent had 2 or 3 prior property convictions. While the prior property convictions may be for offenses other than those specified in this bill, it is not known how many of these offenders had prior motor vehicle tampering offenses or other qualifying misdemeanor or gross misdemeanor offenses or juvenile adjudications which might contribute to making them eligible for a gross misdemeanor or felony sentence for motor vehicle tampering.

For purposes of this analysis, it is assumed that 15 percent will be eligible for a gross misdemeanor sentence and 15 percent for a felony sentence (40 offenders a year, for each level).

Revenue and Expenditure Estimates

Using the Weighted Caseload analysis the additional time to process 40 gross misdemeanors and 40 felonies, less the time to process 80 misdemeanors results in an additional workload for the courts of .07 FTE judge unit. A judge unit consists of a law clerk, court reporter and judge. The annual cost of a judge unit in FY 12 is \$345,000, The cost of .07 FTE judge unit is \$24,150.

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

FN Coord Signature: JUDY REHAK
Date: 03/18/11 Phone: 651-297-7800

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/18/11 Phone: 651-201-8033

Fiscal Note – 2011-12 Session

Bill #: H1043-0 **Complete Date:** 03/14/11

Chief Author: GAUTHIER, KERRY

Title: MV PROPERTY CRIME PENALTIES

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Sentencing Guidelines Comm

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY11	FY12	FY13	FY14	FY15
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY11	FY12	FY13	FY14	FY15
Full Time Equivalents					
-- No Impact --					
Total FTE					

***Estimated impact on state correctional resources of 6 prison beds
Uncertain impact on local correctional resources***

Bill Description

This bill creates gross misdemeanor and felony provisions in the motor vehicle tampering statute (M.S. § 609.546). A person is guilty of a gross misdemeanor offense if he or she has previously been convicted two or more times for violating subd. 1 of this section; motor vehicle use without consent (§ 609.52, subd. 2(17)); receiving stolen property (§ 609.53); possession of burglary tools (§ 609.59); or criminal damage to property (§ 609.595). A person is guilty of a felony if he or she has previously been convicted four or more times of the above-mentioned statutes.

There is no statutory maximum provided for the felony offense, nor is there an effective date within the bill.

Assumptions

Information from the State Court Administrator's Office indicates that in the last five years (2006 to 2010), there has been an average of 307 convictions each year for the existing motor vehicle tampering offense. Under the provisions of this bill, some portion of these offenses will become gross misdemeanors and some will become felonies, depending on the number of specified prior convictions a person has.

According to 2009 MSGC Monitoring Data, 13 percent of offenders sentenced for the above-mentioned statutes had four or more prior property convictions and 15 percent had 2 or 3 prior property convictions. While the prior property convictions may be for offenses other than those specified in this bill, it is not known how many of these offenders had prior motor vehicle tampering offenses or other qualifying misdemeanor or gross misdemeanor offenses or juvenile adjudications which might contribute to making them eligible for a gross misdemeanor or felony sentence for motor vehicle tampering.

For purposes of this analysis, it is assumed that 15 percent will be eligible for a gross misdemeanor sentence and 15 percent for a felony sentence (40 offenders a year, for each level). It is assumed that the new felony motor vehicle tampering offense will be ranked at a severity level for which most offenders will be recommended stayed sentences under the sentencing guidelines. Since motor vehicle use without consent is ranked at severity level 3, it is assumed that felony motor vehicle tampering will be ranked at severity level 1 or severity level 2. According to MSGC sentencing data, 14 percent of the offenders sentenced in 2009 for property offenses ranked at severity level 1 and severity level 2 received executed prison sentences. The average pronounced sentence was 18.6 months (served 12.5 months). Seventy percent of these offenders not sentenced to prison received pronounced local jail time, with an average of 68 days (serve 46 days).

Impact on State and Local Correctional Resources

The projected impact on state correctional resources is six prison beds; if, as a result of the provisions of this bill, 40 additional offenders each year receive felony sentences, and 14 percent of them (six offenders) receive executed prison sentences (serving 12.5 months). It is projected that two beds will be needed in FY2012, and six beds will be needed in FY2013, and every year after.

There is likely to be some impact on local correctional resources as well. There will be 34 offenders a year moving from misdemeanor to felony-level probation and 46 offenders a year moving from misdemeanor to gross misdemeanor probation. It is not known how much local jail time these offenders currently receive as part of their misdemeanor sentences, but it is assumed that they will receive more jail time if they are sentenced for gross misdemeanors or felonies.

FN Coord Signature: ANNE WALL
Date: 03/14/11 Phone: 651-757-1721

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 03/14/11 Phone: 651-201-8033

Fiscal Note – 2011-12 Session

Bill #: H1043-0 **Complete Date:** 03/25/11

Chief Author: GAUTHIER, KERRY

Title: MV PROPERTY CRIME PENALTIES

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Public Defense Board

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY11	FY12	FY13	FY14	FY15
Expenditures					
General Fund		20	20	20	20
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
General Fund		20	20	20	20
Revenues					
-- No Impact --					
Net Cost <Savings>					
General Fund		20	20	20	20
Total Cost <Savings> to the State		20	20	20	20

	FY11	FY12	FY13	FY14	FY15
Full Time Equivalents					
General Fund		0.25	0.25	0.25	0.25
Total FTE		0.25	0.25	0.25	0.25

Bill Description

Assumptions

This is a fairly common juvenile crime. A person could easily get a juvenile record that would put them right on the edge of having a felony. This bill would treat juvenile adjudication like an adult conviction, in other words there is no time decay. For example, a 15 year old who is found guilty of joy riding or other offenses, now as a 28 year old has a conviction. This is now a felony.

Information from the State Court Administrator's Office indicates that in the last five years (2006 to 2010), there has been an average of 307 convictions each year for the existing motor vehicle tampering offense. Under the provisions of this bill, some portion of these offenses will become gross misdemeanors and some will become felonies, depending on the number of specified prior convictions a person has.

For purposes of this analysis, it is assumed that 15 percent will be eligible for a gross misdemeanor sentence and 15 percent for a felony sentence (40 offenders a year, for each level).

This will also lead to additional trials on the juvenile level since the juvenile adjudications are treated like an adult adjudication.

Revenue and Expenditure Estimates

With 40 gross misdemeanors and 40 felonies taking the place of what were misdemeanors, and with the increased juvenile trials, an additional .25 time defender would be necessary to accommodate this work.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

FN Coord Signature: KEVIN KAJER
Date: 03/24/11 Phone: 612-349-2565

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/25/11 Phone: 651-201-8033