

BILL # SB 1205

TITLE: sentencing; dangerous drugs; methamphetamine

SPONSOR: Paton

STATUS: Senate Engrossed

PREPARED BY: Martin Lorenzo

FISCAL ANALYSIS

Description

SB 1205 increases, by 5 years, the minimum, presumptive, and maximum sentence for individuals convicted of certain methamphetamine related offenses specified under A.R.S. § 13-3407 if that individual has previously been convicted of any felony offense.

Estimated Impact

The JLBC Staff estimates that SB 1205 may increase costs to the State Department of Corrections (ADC) beginning in FY 2016. Based on current ADC admissions, the additional cost to ADC, when the bill is fully implemented, would be \$49,400 annually.

ADC estimates the bill would result in an annual cost of approximately \$63,400 annually, or \$4,526 per person, per year, beginning in FY 2016.

Analysis

Under the bill, the minimum, presumptive, and maximum sentence would increase by 5 years if an individual with a prior felony conviction is subsequently convicted of: 1) possessing methamphetamine for sale; 2) possessing equipment or chemicals for the purpose of manufacturing methamphetamine; or 3) offering to, or the act of transporting or importing methamphetamine for sale.

Relative to current law, SB 1205 is anticipated to result in additional incarceration costs related to those who are convicted under A.R.S. § 13-3407 and sentenced pursuant to A.R.S. § 709.03. Under existing law, the minimum, presumptive, and maximum sentence for those convicted under A.R.S. § 13-3407 and sentenced pursuant to A.R.S. § 709.03 is 5, 10, and 15 years, respectively. While the average sentence in ADC for all drug offenses is 3.7 years for inmates with no prior felony offenses and 4.5 years for inmates with a prior felony conviction, the average sentence for individuals incarcerated for specifically violating A.R.S. § 13-3407 is unknown. Based on data provided by the ADC, a total of 14 inmates are currently incarcerated and sentenced pursuant to the statutes amended by the bill.

Assuming the current population is representative of the annual population that would be incarcerated for such offenses, the annual cost associated with incarcerating these individuals would range from approximately \$49,400 to \$306,600 annually. The lower range of this estimate is based on ADC's marginal cost per inmate of \$3,531 per year, while the higher level is based on an estimated \$21,900 annual cost per inmate housed in privately-operated prison beds contracted by ADC. Based on the estimated 14 inmates that would qualify annually, however, it is unlikely ADC would be required to secure additional private prison contracts as a result of this bill. Further, given the increased sentence would only apply to those convicted of qualifying offenses after the general effective date of the bill and the existing sentence carries a minimum term of 5 years, any additional cost to ADC are not anticipated to begin to be incurred until FY 2016.

Local Government Impact

None