

# FISCAL NOTE

**Bill #:** HB0106

**Title:** Enhance penalty for drug offense on child care premises

**Primary**

**Sponsor:** Jeff Mangan

**Status:** As Introduced

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Sponsor signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chuck Swysgood, Budget Director

\_\_\_\_\_  
Date

## Fiscal Summary

	<b><u>FY2002</u></b>	<b><u>FY2003</u></b>
	<b><u>Difference</u></b>	<b><u>Difference</u></b>
<b>Expenditures:</b>	0	0
<b>Revenue:</b>	0	0
<b>Net Impact on General Fund Balance:</b>	0	0

<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>
	X	X	
	X	X	
	X	X	

## Fiscal Analysis

### ASSUMPTIONS:

1. The rate of arrests and total number of convictions for sale of dangerous drugs will not increase.
2. HB 106 increases the minimum sentence in 45-9-101(4), MCA, and 45-9-110(4), MCA, from one year to three years for individuals convicted of distributing dangerous drugs if the distribution takes place in a day care facility. It also prohibits deferral or suspension of the first two years of the sentence. The Department of Corrections (DOC) does not capture crime location information.

3. Given this increase in minimum sentences and the prohibition against deferral or suspension, the DOC anticipates increased costs. Assuming a variable cost of \$6.00 per offender per day, this would result in increased costs of \$2,190 per offender per year. However, the DOC cannot predict how HB 106 will impact the overall sentences that the judicial system will give to offenders.
4. There is no fiscal impact to the Department of Justice.
5. There is no fiscal impact to the Board of Crime Control.

FISCAL IMPACT:

	<u>FY2002</u> <u>Difference</u>	<u>FY2003</u> <u>Difference</u>
<u>Expenditures:</u>	0	0
<u>Funding:</u>	0	0
<u>Revenues:</u>	0	0
<u>Net Impact to Fund Balance (Revenue minus Expenditure):</u>	0	0

LONG-RANGE IMPACTS:

While the DOC anticipates an increase in costs under this law due to longer minimum sentences, it cannot anticipate how HB 106 will impact the overall sentences that the judicial system will give to offenders