

# FISCAL NOTE

**Bill #:** HB0604

**Title:** Mandate treatment, prohibit incarceration for certain nonviolent offenders

**Primary Sponsor:** Joan Hurdle

**Status:** As Introduced

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Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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## Fiscal Summary

	<b><u>FY2002</u></b> <b><u>Difference</u></b>	<b><u>FY2003</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>	<b>\$0</b>	<b>\$0</b>

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

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## Fiscal Analysis

### ASSUMPTIONS:

1. Section 1 (4) (b) of this legislation states the policy change must be implemented within the constraints of the current budget, transferring funds as necessary within the overall budget. Therefore, the bill will have no fiscal impact on the Department of Corrections or the Department of Public Health and Human Services.
2. There may be a minimal workload increase for Clerks of District Courts to collect and deposit payments from offenders.

TECHNICAL NOTES:

1. The title of the bill does not identify all of the significant provisions of the bill. In particular, all of the sections from section 7 onward create a gambling dependency program in Montana.
2. Section 1, paragraph 4 requires DPPHS and DOC to "implement offender population plans that reflect an adjusted balance between" secure facilities and probation. DPPHS does not have any statutory authority to manage offender populations. The paragraph also directs that there be a "more stable secure facilities inmate population." Neither DOC nor DPPHS affect prison populations. Rather, courts and the Board of Pardons primarily determine inmate populations.
3. While the bill appears to be trying to place non-violent offenders with substance abuse or gambling problems on probation, Section 2, paragraph 2 in this regard does not include the phrase "non-violent" offender. Thus, both violent and non-violent offenders in which, "drugs, alcohol, or gambling is found to be a factor in the commission of the crime" are required to receive a suspended sentence.
4. The bill prohibits first time offenders from receiving a deferred imposition of sentence.
5. The bill does not distinguish between first time offenders and repeat offenders.