



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

Bill #	HB0494	Title:	Pregnant women protection act
Primary Sponsor:	Morgan, Penny	Status:	As Introduced

- | | | |
|---|---|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input checked="" type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
General Fund	\$921,675	\$2,596,351	\$4,274,143	\$5,951,934
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u>(\$921,675)</u>	<u>(\$2,596,351)</u>	<u>(\$4,274,143)</u>	<u>(\$5,951,934)</u>

Description of Fiscal Impact:

There are two parts to this bill. The first would create a sentence enhancement for people who have been convicted of a forcible felony and the victim is a pregnant woman. Fiscal impact for the first part of this bill would not occur until half way through FY 2012. This bill also would create a new crime of assault on a pregnant woman, which would have a fiscal impact in FY 2008.

FISCAL ANALYSIS

Assumptions:

Department of Corrections

1. This bill would create a sentence enhancement for people who have been convicted of a forcible felony and the victim is a pregnant woman. If a person commits a forcible felony and the victim is pregnant, the defendant shall be sentenced to an additional term of imprisonment of not more than 30 years.
2. According to national statistics from the US General Accounting Office and Centers for Disease Control dated May of 2002 an average of 6.1 percent of violent crimes are committed against pregnant women. There is an average of 28 assaults committed to prison per year. Of the 28 violent offenders entering the Department of Corrections prison system, 6.1 percent or 2 offenders will be convicted of violent crimes against pregnant women each year.

3. According to 2006 Department of Corrections statistics, the average time served currently for assault offenses is 54 months (4.5 years). The offenders could stay in prison for up to 30 years or an extra 25.5 years. The blended cost rate for male and female offenders in Department of Corrections facilities is \$77.91 per day.
4. Using the above information the fiscal impact would not occur until half way through FY 2012, or 4.5 years after the current length of stay. In FY 2012 the impact will be \$7,089, by FY 2018 total fiscal impact would be \$348,335.
5. This bill also creates the new felony crime of Assault on a Pregnant Woman. The current crime is a misdemeanor. Conviction of this crime would result in imprisonment in a Department of Corrections facility for a term not to exceed 10 years.
6. According to Montana Board of Crime Control statistics for 2005, there were a total of 2,297 misdemeanor aggravated assault charges. Approximately 6.1 percent or 140 offenders would enter the Department of Corrections prison system per year. Based on the sentencing practices for offenders currently sentenced for assault under 45-5-201, MCA, 42 percent of the 140 offenders would be sentenced to prison for a total of 59 offenders per year. The resulting impact of this new crime, using the blended rate of \$77.91, combined with 59 offenders entering at a staggered rate along with the number of offenders compounding each year, the total fiscal impact for FY 2008 of \$921,675, FY 2009 of \$2,596,351, FY 2010 of \$4,274,143, and FY 2011 of \$5,951,934.

	<u>FY 2008</u> <u>Difference</u>	<u>FY 2009</u> <u>Difference</u>	<u>FY 2010</u> <u>Difference</u>	<u>FY 2011</u> <u>Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses	\$921,675	\$2,596,351	\$4,274,143	\$5,951,934
<u>Funding of Expenditures:</u>				
General Fund (01)	\$921,675	\$2,596,351	\$4,274,143	\$5,951,934
<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)	(\$921,675)	(\$2,596,351)	(\$4,274,143)	(\$5,951,934)

Sponsor's Initials

Date

Budget Director's Initials

Date