



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2015 Biennium

Bill # HB0269

Title: Assault on health care or emergency services provider

Primary Sponsor: Swanson, Kathy

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 2014 Difference</u>	<u>FY 2015 Difference</u>	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>
Expenditures:				
General Fund	\$7,294	\$33,673	\$69,171	\$122,572
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$7,294)</u>	<u>(\$33,673)</u>	<u>(\$69,171)</u>	<u>(\$122,572)</u>

Description of fiscal impact: This bill changes an assault on a health care provider or emergency responder from a misdemeanor assault to a felony assault. The Department of Corrections estimates it would have increased costs associated with the creation of this new felony. The Office of the State Public Defender (OPD) has the statutory obligation to represent individuals charged with a crime who cannot afford to hire counsel. The OPD is unable to quantify how many more individuals would be served by the public defender system if this new felony was created.

FISCAL ANALYSIS

Assumptions:

1. The 2008 data provided by the Board of Crime Control reports information on misdemeanor assaults on a health care provider or emergency responder versus misdemeanor assaults on other persons. The Board of Crime Control no longer keeps separate data regarding misdemeanor assaults on a health care provider or emergency responder.
2. In the report from Board of Crime Control, the total number of misdemeanor assaults averaged 7,953 per year with 50 of those being misdemeanor assaults on a health care provider or emergency responder. This equates to 0.6% of the total misdemeanor assault arrests.

3. The Board of Crime Control reported in the 2010-2011 Crime in Montana Report, the total number of misdemeanor assaults in 2011 was 6,612.
4. Based on the percentage of Board of Crime Control 2008 report, the estimated number of misdemeanor assaults on a health care provider or emergency responder in 2011 would be approximately 40.
5. The Board of Crime Control statistics reported the number of felony assault arrests from 2008 to 2012 was an average of 854 per year.
6. The average number of felony assault convictions to the Department of Corrections, from 2008 through 2012, was 44. This translates into an average conviction rate of 5.15%.
7. When conviction rate of 5.15% is applied to the average number of misdemeanor assaults on a health care provider or emergency responders in 2011 of 40, there will be an increase of 2 new offenders to the department each fiscal year.
8. Based on the Department of Corrections statistics from 2008 through 2012; 44% of felony assaults were assigned to probation and parole for an average of 61 months and 56% were assigned as Department of Corrections commits for an average of 23 months.
9. A total of 1 offender will be convicted and placed on probation and parole per year and 1 offender would be sentenced as a Department of Corrections commit per year.
10. The average daily cost of probation and parole is \$4.62. The average daily cost of Department of Corrections commits is \$66.29.
11. The total cost for probation and parole is projected to be:
 - FY 2014- \$1,261
 - FY 2015- \$2,992
 - FY 2016- \$4,775
 - FY 2017- \$6,609
12. The total cost for Department of Corrections commits is projected to be:
 - FY 2014- \$6,032
 - FY 2015- \$30,682
 - FY 2016- \$64,397
 - FY 2017- \$115,963
13. The total cost for the Department of Corrections is projected to be:
 - FY 2014- \$7,294
 - FY 2015- \$33,673
 - FY 2016- \$69,171
 - FY 2017- \$122,572.

	<u>FY 2014 Difference</u>	<u>FY 2015 Difference</u>	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses	\$7,294	\$33,673	\$69,171	\$122,572
<u>Funding of Expenditures:</u>				
General Fund (01)	\$7,294	\$33,673	\$69,171	\$122,572
<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)	(\$7,294)	(\$33,673)	(\$69,171)	(\$122,572)

Long-Term Impacts:

1. The long term fiscal impact, if no changes were to occur, is projected to be:
 - FY 2018- \$177,546
 - FY 2019- \$235,351
 - FY 2020- \$295,513
 - FY 2021- \$357,372
 - FY2022- \$421,075
 - FY 2023- \$486,519
2. The total projected fiscal impact for FY 2014 through FY 2023 is projected to be \$2,198,793.

Sponsor's Initials

Date

Budget Director's Initials

Date