



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2015 Biennium

Bill #	HB0386
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Title:	Revise penalty for fleeing from or eluding a peace officer
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Primary Sponsor:	Lavin, Steve
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Status:	As Introduced
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| <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 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 - DoC	\$24,818	\$115,875	\$198,541	\$212,896
General Fund - OPD	\$23,400	\$23,400	\$23,751	\$24,107
Revenue:				
General Fund	\$25,000	\$25,000	\$25,000	\$25,000
Net Impact-General Fund Balance:	(\$23,218)	(\$114,275)	(\$197,292)	(\$212,003)

Description of fiscal impact: This bill makes fleeing or eluding a peace officer in a motor vehicle a felony punishable by not less than 1 year or more than 20 years in a state prison or a fine of not more than \$50,000. The bill would have a fiscal impact to the Office of Public Defender and the Department of Corrections. The Department of Justice would collect additional revenue when a traffic citation is issued and a fine is issued by the justice court in the local jurisdiction.

FISCAL ANALYSIS

Assumptions:

Department of Corrections

1. HB 386 amends 61-8-316, MCA, by making fleeing from or eluding a peace officer in a motor vehicle a felony punishable by not less than 1 year or more than 20 years in a state prison or a fine of not more than \$50,000.
2. Department of Corrections has 17 cases from 2003-2013 with felony and misdemeanor convictions of fleeing from or eluding a peace officer.

- a. Of these 17 convictions, 16 offenders had other charges with harsher sentencing, and only 1 case included only fleeing from or eluding a peace officer.
 - b. All of the 16 cases (which had other convictions with harsher sentences) included sentences for fleeing from or eluding a peace officer which were to be served concurrent with the other sentences.
 - c. The 1 case with only a charge of fleeing from a peace officer had a 36 month partial suspended sentence: 2 years in a pre-release center and 1 year supervision on probation and parole. The fiscal impact is based on this sentencing pattern.
3. Statistics of non-Department of Corrections misdemeanors were provided by the Montana Department of Justice. This equals an average of 92 misdemeanor convictions of fleeing from or eluding a peace officer.
 4. Based on the previous conviction and sentencing statistics, only 6% of 92 misdemeanors (provided by Montana Department of Justice) will have fiscal impact to the Department of Corrections:
 - a. 6 new offenders will enter each year serving 2 years in a pre-release center and 1 year on probation or parole.
 - i. FY2014 has a projected cost of \$24,818.
 - ii. FY2015 has a projected cost of \$115,875.
 - iii. FY2016 has a projected cost of \$198,541.
 - iv. FY2017 has a projected cost of \$212,896

Office of the Public Defender (OPD)

5. The experience of OPD staff is that when penalties are increased, the number of cases that go to trial increase as well.
6. The number of new cases of this type received by OPD in FY 2012 is approximately 154, under the following statutes: 61-8-316 and 61-8-316(1), MCA.
7. Under the new law, OPD management estimates that an additional 25% of those 154 cases or approximately 39 cases will go to trial.
8. Under OPD's case weight system, the attorney time involved when a felony jury trial occurs in these types of cases is approximately 10 hours.
9. The number of cases (39) times the hourly rate of \$60 per hour times the average number of hours spent on these cases or 10 hours totals \$23,400.
10. There is a 1.5% inflation factor applied to FY 2016 and FY 2017.

Department of Justice

11. In 2012, 47 citations were issued for fleeing from or eluding a peace officer.
12. Assuming 50% or 23 citations would result in a conviction and 1 would be assessed the maximum fine not to exceed \$50,000.
13. For each fine assessed one half of that fine goes to the state general fund and one half to the general fund of the county the citation is issued.
14. MHP is unable to estimate the costs of prisoner per diem that would result from these convictions.

	<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 - DoC	\$24,818	\$115,875	\$198,541	\$212,896
Operating Expenses - OPD	\$23,400	\$23,400	\$23,751	\$24,107
TOTAL Expenditures	\$48,218	\$139,275	\$222,292	\$237,003
<u>Funding of Expenditures:</u>				
General Fund (01)	\$48,218	\$139,275	\$222,292	\$237,003
<u>Revenues:</u>				
General Fund (01)	\$25,000	\$25,000	\$25,000	\$25,000
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$23,218)	(\$114,275)	(\$197,292)	(\$212,003)

Effect on County or Other Local Revenues or Expenditures:

1. For each fine assessed half of each fine is given to the county in which the citation was issued.

Sponsor's Initials

Date

Budget Director's Initials

Date