



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2015 Biennium

Bill # SB0134

Title: Revise elder abuse laws

Primary Sponsor: Brenden, John

Status: As Introduced

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 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	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: Fiscal impact to the state is difficult to determine due to sentencing practices.

FISCAL ANALYSIS

Assumptions:

1. This bill defines an older person as "a person who is at least 60 years old."
2. This bill amends the minimum penalty provisions for crimes under 52-3-825, MCA, by inserting property value limits. It also requires a minimum sentence of 1 year in a state prison or a fine in an amount not to exceed \$50,000.
3. The number of persons convicted under 52-3-825, MCA, is as follows:
 - a. 2010 – 6
 - b. 2011 – 10
 - c. 2012 – 7
4. Statistics received from the Montana Department of Justice indicate that in 2010, 1 offender listed above was found guilty of elderly exploitation in an amount over \$25,000 and did not receive a prison sentence.
5. If this 1 offender is sentenced to 1 year in prison, there could be a fiscal impact. The blended daily rate between female and male prison is \$90.50. This rate times 365 days is \$33,032.50, which would be the Department of Corrections' fiscal impact for an imposed 1 year sentence.

6. If this 1 offender is sentenced to pay a fine in lieu of prison, there would be no fiscal impact to the Department of Corrections.
7. Fiscal impact is difficult to determine due to sentencing practices.

Sponsor's Initials

Date

Budget Director's Initials

Date