



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2015 Biennium

Bill # SB0198

Title: Revise laws related to penalties for assault on a minor

Primary Sponsor: Thomas, Fred

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: This bill will change the sentencing guidelines for felony assault on a minor, adding provisions relating to victims under the age of 36 months. This bill changes a maximum sentence from 5 years to 20 years for assault and from 5 years to 40 years for assault with serious bodily injury. This bill will affect the Department of Corrections length of stay, causing long term fiscal impact.

FISCAL ANALYSIS

Assumptions:

1. The Department of Corrections reviewed current sentencing patterns for other convictions, which carry the same sentence length as is proposed in this bill. Statistics show that 46% of offenders sentenced were given a deferred or suspended sentence, while 53% received a sentence to DOC or prison, with only partial suspended. The Department of Corrections determined that a DOC or prison sentence with a maximum sentence of 20 years, currently averages 9 years served in a secure facility, followed by 7 years suspended. It is difficult to determine sentencing patterns regarding 40 year sentences, as there are not enough for comparison.
2. Currently prosecutors have the ability to charge offenders, who have committed acts of violence against children, with crimes other than assault on a minor. These crimes have much stiffer penalties. It is the

Department of Corrections assumption that offenders committing these crimes against children are being prosecuted and sentenced under another code allowing for a longer sentence order currently. This means that the Department of Corrections will only focus on those offenders sentenced under the current statute of 45-5-212, MCA.

3. In FY 2012, there were 24 offenders sentenced to felony assault on a minor.
 - a. A total of 16 of the 24 offenders had victims over the age of 36 months. There is no fiscal impact for this population.
 - b. A total of 8 of the 24 offenders had victims under the age of 36 months and will be used to determine the fiscal impact for the Department of Corrections.
 - i. Since statistical data shows that 46% of these 8 offenders will receive a deferred or suspended sentence, there will be no fiscal impact for 4 of them.
 - ii. The remaining 4 offenders will receive a DOC sentence and enter a community corrections facility, such as a pre-release or assessment center, for a length of 6 months. Since these offenders are already under this form of supervision there is no immediate fiscal impact.
 - iii. Statistical data supports that on average, an offender would receive approximately 10 years for a conviction, where the maximum allowable sentence is 20 years.
 - iv. Since the Department of Corrections already supervises these 4 offenders in the community for 5 years, there would be an additional length of supervision of 5 years.
 - v. There will be no fiscal impact to the Department of Corrections until FY 2019. There will be a cumulative total of 19 offenders under community supervision by FY 2023. Total fiscal impact for FY 2019-FY 2023 is \$86,079. This is based on the FY 2012 cost per day for probation and parole of \$4.62, with an inflationary increase of 1.5% annually, beginning in FY 2015.

Long-Term Impacts:

1. The fiscal impact for FY2018-FY 2023 would be approximately \$86,079 per year.

Sponsor's Initials

Date

Budget Director's Initials

Date