



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2015 Biennium

Bill # SB0362

Title: Increase penalties for domestic violence offenders

Primary Sponsor: Windy Boy, Jonathan

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 | \$120,600 | \$120,600 | \$122,409 | \$124,245 |
| Revenue: | | | | |
| General Fund | \$0 | \$0 | \$0 | \$0 |
| Net Impact-General Fund Balance: | <u>(\$120,600)</u> | <u>(\$120,600)</u> | <u>(\$122,409)</u> | <u>(\$124,245)</u> |

Description of fiscal impact: 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. If this bill passes, it may increase the number of cases going to trial which will increase the number of attorney work hours required in defense of each case.

FISCAL ANALYSIS

Assumptions:

Office of State Public Defender (OPD)

1. It has been OPD's experience that when penalties are increased, the number of cases that go to trial increase as well.
2. The number of cases of Partner or Family Member Assault received by OPD in FY 2012 was approximately 2,016 under the following statutes: 45-5-206 and 45-2-206(1)(c), MCA.
3. Under the new law, OPD management estimates that an additional 10% of those 2,016 cases or approximately 201 cases will go to trial.
4. Under OPD's case weight system, the attorney time involved when a jury trial occurs in these types of cases is approximately 10 additional hours.
5. The number of cases (201) times the hourly rate of \$60 per hour times the average number of additional hours spent on these cases or 10 hours = (201 x 10 x \$60) totals \$120,600.

6. There is a 1.5% inflation factor applied to FY 2016 and FY 2017.

| | <u>FY 2014</u> <u>Difference</u> | <u>FY 2015</u> <u>Difference</u> | <u>FY 2016</u> <u>Difference</u> | <u>FY 2017</u> <u>Difference</u> |
|---|---|---|---|---|
| <u>Fiscal Impact:</u> | | | | |
| <u>Expenditures:</u> | | | | |
| Operating Expenses | \$120,600 | \$120,600 | \$122,409 | \$124,245 |
| <u>Funding of Expenditures:</u> | | | | |
| General Fund (01) | \$120,600 | \$120,600 | \$122,409 | \$124,245 |
| <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) | (\$120,600) | (\$120,600) | (\$122,409) | (\$124,245) |

Sponsor's Initials

Date

Budget Director's Initials

Date