



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2021 Biennium

Bill # HB0048

Title: Provide for stacking of tribal court convictions for partner or family assault

Primary Sponsor: Bishop, Laurie

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 ANALYSIS

Description of fiscal impact: The Judicial Branch, Office of Public Defender, and Department of Corrections are unable to determine the fiscal impact of this HB 48. As a result, the fiscal impact to the State is unknown.

Assumptions:

Judicial Branch

1. HB 48 revises partner or family member assault laws; provides that a tribal conviction for partner or family member assault that occurred on a federally recognized Indian reservation will count for the purpose of determining the number of convictions.
2. The bill could increase the number of felony criminal cases heard in district courts. The Judicial Branch is unable to estimate the impact of this legislation on judicial workload or the fiscal impact. The cumulative impact of such legislation may - over time - require additional judicial resources because court dockets are generally full throughout the state.

Office of Public Defender (OPD)

3. The Native American population on Montana reservations stands at 78,785. This is approximately 7.8% of Montana's statewide population of 1,005,000. OPD assumes domestic violence offenses occur as frequently on Native American reservations as they do in the rest of the State. OPD represented clients in 2,568 Partner Family Member Assault (PFMA) cases in FY 2018. At a 7.8% factor, OPD estimates a substantial number of cases could be added to the total number of prior offenses that can be considered for filing of a felony PFMA as opposed to a misdemeanor. However, due the stacking possibilities and the inability to estimate the number of prior offenses per case the OPD is unable to estimate the fiscal impact on the workload. The cumulative impact of such legislation will require additional OPD resources as caseloads are currently exceeding the American Bar Association caseload standards.

Department of Corrections

4. Both the Governor's Office of Indian Affairs and the Department of Justice's Criminal Justice Information Network (CJIN) staff indicate data does not exist on the number of convictions for PMFA or similar offenses

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(continued)

that arise from commission of those offenses on Indian reservations in Montana and prosecution of the offenses in tribal courts.

5. There is a potential fiscal impact to the Department of Corrections if there are any cases which will be prosecuted due to the changes proposed in this legislation.
6. The Department of Corrections is unable to determine how many new cases would be prosecuted under the proposed changes.
7. If a person is convicted of a felony under this language, the cost of incarceration is \$39,971 per year per male inmate and \$38,675 per year per female inmate

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<i>Sponsor's Initials</i>	<i>Date</i>	<i>Budget Director's Initials</i>	<i>Date</i>

TL

2/4/19