



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2021 Biennium

Bill # HB0199

Title: Generally revise laws related to bullying

Primary Sponsor: Usher, Barry

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

	<u>FY 2020 Difference</u>	<u>FY 2021 Difference</u>	<u>FY 2022 Difference</u>	<u>FY 2023 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 would increase the list of persons who are prohibited from engaging in behaviors as defined in 20-5-208, MCA, to include former students, a parent, or a guardian. This bill would criminalize the defined behavior, creating a new misdemeanor punishable by a fine, incarceration in jail or youth detention facility for one year, or both. The crime of bullying would become a felony if the defined behavior results in the death or serious bodily injury to the student being bullied, punishable by a fine, imprisonment up to five years, or both, upon conviction. Any potential fiscal impact cannot be quantified to do lack of available data.

FISCAL ANALYSIS

Assumptions:

Department of Corrections

1. The Department of Corrections does not currently track crimes prosecuted under Sections 20-5-207 through 20-5-210, MCA.
2. 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, if the prosecution of the crime leads to a felony sentence.
3. If a person is convicted of a felony under this new language, the cost of incarceration is \$39,971 per year per male inmate and \$38,675 per year per female inmate.

Office of Public Defender

- 4. The Office of Public Defender (OPD) assumes, the number of court cases may increase due to a potential increase in clients. OPD is currently unable to estimate the fiscal impact on the workload. The impact of this legislation may eventually require additional OPD resources as caseloads are currently exceeding the American Bar Association caseload standards.
- 5. The OPD assumes, a significant portion of violations will be referred to the youth courts and be handled informally.

Judicial Branch

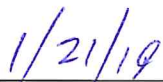
- 6. The number of district court cases may increase due to this legislation. The Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of such legislation may eventually require additional judicial resources because court dockets currently are full in many judicial districts throughout the state.

Effect on County or Other Local Revenues or Expenditures:

- 1. The number of misdemeanor cases in court of limited jurisdictions may increase with the legislation. This may increase cost to cities and counties.



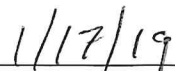
Sponsor's Initials



Date



Budget Director's Initials



Date