



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2021 Biennium

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|-------------------------|----------------------|----------------|--|
| Bill # | HB0718 | Title: | Generally revise domestic violence protections |
| Primary Sponsor: | Farris-Olsen, Robert | Status: | As Introduced |

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

| | <u>FY 2020</u> <u>Difference</u> | <u>FY 2021</u> <u>Difference</u> | <u>FY 2022</u> <u>Difference</u> | <u>FY 2023</u> <u>Difference</u> |
|---|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Expenditures: | | | | |
| General Fund | \$366,767 | \$344,205 | \$349,369 | \$354,610 |
| Revenue: | | | | |
| General Fund | \$0 | \$0 | \$0 | \$0 |
| Net Impact-General Fund Balance: | <u>(\$366,767)</u> | <u>(\$344,205)</u> | <u>(\$349,369)</u> | <u>(\$354,610)</u> |

Description of fiscal impact: This bill provides a procedure for obtaining an extreme risk order of protection and ex parte extreme risk order of protection. HB 718 will require the Department of Justice (DOJ), Division of Criminal Investigation (DCI) to provide Criminal Justice Information Network (CJIN) access 24 hours a day, 7 days a week. Increasing service to this magnitude will require ongoing computer user support technicians of 5.00 FTE. HB 718 requires the Office of Court Administrator in the Judicial Branch to develop, prepare, distribute and maintain instructions, informational brochures and related forms, which will require a full-time FTE. The bill also creates new hearings and deadlines which will impact judicial workload.

FISCAL ANALYSIS

Assumptions:

Department of Justice (DOJ)

1. This bill will require DOJ CJIN to enter the order of protection into the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement.
2. DOJ CJIN service desk will need to be available 24/7 in order to perform hit confirmation duties and immediately record entry functions. Currently, the CJIN service desk is open Monday – Friday from 6:00 AM to 8:00 PM and is forwarded to the Montana Highway Patrol dispatch center in the off hours for emergencies only.

3. DCI will need 5.00 FTE Computer User Support Technicians to fulfill requirements of this bill. Personal services expenditures in FY 2020 will total \$246,820 in salary and benefits and \$49,234 in operating costs. Included in the operating costs are one-time-only expenses of \$19,616 for new employee set-up.
4. The CJIN program is supported by state special revenue and general fund dollars. This bill will add additional duties but does not include additional funding sources to support it.

Judicial Branch

5. Section 11 of this bill requires the Office of the Court Administrator to develop, prepare, distribute, and maintain instructions and informational brochures, forms, and a court staff handbook on the extreme risk order of protection process. A 1.00 FTE will be required to fulfill these requirements.
6. Salary and benefits for the position are based on a similar Judicial Branch position, the self-help coordinator, and are based on IBARS for FY 2020 and FY 2021. Salary and benefits for FY 2022 are based on FY 2021 amounts plus 1.5% inflation and for FY 2023 salary and benefits are the FY 2022 amounts increased by 1.5%.
7. One-time startup costs for the FTE in FY 2020 are \$2,800.
8. This bill creates new hearings and establishes hearing deadlines for district courts related to extreme risk orders of protection.
9. Almost all court dockets in Montana's District Courts are full. The additional hearings will ultimately result in requests for additional judges to meet the courts' statutory and constitutional requirements.

Office of Public Defender

10. Revisions outlined in this bill relating to the OPD are largely covered by current practices but new section 10 in the bill may create fiscal impacts.

Department of Corrections

11. This bill would create new crimes and penalties for the purchase, possession, or receipt of a firearm by a person prohibited from doing so by an extreme risk order of protection.
12. The Department of Corrections is unable to determine how many people would be sentenced under the newly proposed language in this bill.
13. 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.

| | | | | |
|-----|------|------|------|------|
| FTE | 6.00 | 6.00 | 6.00 | 6.00 |
|-----|------|------|------|------|

Expenditures:

| | | | | |
|---------------------------|------------------|------------------|------------------|------------------|
| Personal Services | \$314,733 | \$314,587 | \$319,306 | \$324,096 |
| Operating Expenses | \$52,034 | \$29,618 | \$30,063 | \$30,514 |
| TOTAL Expenditures | \$366,767 | \$344,205 | \$349,369 | \$354,610 |

Funding of Expenditures:

| | | | | |
|------------------------------|------------------|------------------|------------------|------------------|
| General Fund (01) | \$366,767 | \$344,205 | \$349,369 | \$354,610 |
| TOTAL Funding of Exp. | \$366,767 | \$344,205 | \$349,369 | \$354,610 |

Revenues:

| | | | | |
|-----------------------|------------|------------|------------|------------|
| General Fund (01) | \$0 | \$0 | \$0 | \$0 |
| TOTAL Revenues | \$0 | \$0 | \$0 | \$0 |

Net Impact to Fund Balance (Revenue minus Funding of Expenditures):

| | | | | |
|-------------------|-------------|-------------|-------------|-------------|
| General Fund (01) | (\$366,767) | (\$344,205) | (\$349,369) | (\$354,610) |
|-------------------|-------------|-------------|-------------|-------------|

Technical Notes:

1. There are approximately 2,600 permanent (after a hearing) protection orders in the National Crime Information Center (NCIC) between intimate partners.
2. Section 3(5) provides for the court to order a mental or chemical dependency evaluation if deemed appropriate. The party responsible for the cost is not identified in the bill.
3. Section 4(4) requires the court to hold a hearing in person or by telephone on the day the petition is filed or within 48 hours of the filing. Courts are not open on weekends and not authorized to conduct business on recognized holidays pursuant to 3-1-302, MCA, making it impossible to comply with the 48 hours should the deadline fall on a weekend or holiday.

Sponsor's Initials_____
Date_____
Budget Director's Initials_____
Date