



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2021 Biennium

Bill # SB0114

Title: Generally revise stalking and orders of protection laws

Primary Sponsor: Gross, Jen

Status: As Amended in House Committee

- 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 2019</u> <u>Difference</u>	<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>
<b>Expenditures:</b>					
General Fund	\$11,802	\$70,810	\$70,810	\$71,872	\$72,950
<b>Revenue:</b>					
General Fund	\$0	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance</b>	<u>(\$11,802)</u>	<u>(\$70,810)</u>	<u>(\$70,810)</u>	<u>(\$71,872)</u>	<u>(\$72,950)</u>

**Description of fiscal impact:** The Office of the State Public Defender (OPD) has the statutory obligation to represent individuals entitled to counsel at public expense in both civil and criminal matters, including on direct appeal and in cases where there is a conflict of interest. If passed, OPD expects a fiscal impact in FY 19 of \$11,802 and fiscal impact for the 2021 biennium of \$141,620. The Judicial Branch is unable to determine the fiscal impact at this time.

### FISCAL ANALYSIS

#### Assumptions:

#### **Office of Public Defender:**

- OPD assumes the amendments to this bill eliminate the creation of a new felony offense for violation of a no-contact order under 45-5-209 and will further limit the felony cases for first offenses related to a violation of an order of protection under 45-5-626, MCA, but that this amended bill will still expand the scope of the stalking prosecutions.
- The amendment includes an immediate effective date; calculations are based on a May 1, 2019 effective date.
- During FY 2018 there were 30 felony cases related to stalking and 50 misdemeanor cases related to stalking. OPD assumes that if passed, this bill will double the case load for both felonies and misdemeanors, resulting in an additional 30 felony cases and an additional 50 misdemeanor cases.

4. In FY 2018, the cost per case was \$1,752 for felony cases and \$365 for misdemeanor cases.
  - a. FY 2019 fiscal impact totals \$11,802.
    - i. \$3,042 for misdemeanor case cost (50 cases x \$365 = \$18,250, prorated for two months, \$18,250 x 2/12 = \$3,042).
    - ii. \$8,760 for felony case cost (30 cases x \$1,752 cost per case = \$52,560, prorated for two months, \$52,560 x 2/12 = \$8,760).
  - b. Fiscal years 2020 through 2023 have a yearly fiscal impact of \$70,810.
    - i. \$18,250 for misdemeanor case cost (50 cases x \$365 = \$18,250).
    - ii. \$52,560 for felony case cost (30 cases x \$1,752 cost per case = \$52,560).
  - c. There is a 1.5% inflation factor added to FY 2022 and FY 2023.

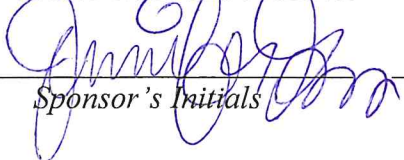
Judicial Branch

5. 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.

	<u>FY 2019</u> <u>Difference</u>	<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>
<b><u>Fiscal Impact:</u></b>					
<b><u>Expenditures:</u></b>					
Operating Expenses	\$11,802	\$70,810	\$70,810	\$71,872	\$72,950
<b>TOTAL Expenditures</b>	<u>\$11,802</u>	<u>\$70,810</u>	<u>\$70,810</u>	<u>\$71,872</u>	<u>\$72,950</u>
<b><u>Funding of Expenditures:</u></b>					
General Fund (01)	\$11,802	\$70,810	\$70,810	\$71,872	\$72,950
<b>TOTAL Funding of Exp.</b>	<u>\$11,802</u>	<u>\$70,810</u>	<u>\$70,810</u>	<u>\$71,872</u>	<u>\$72,950</u>
<b><u>Revenues:</u></b>					
General Fund (01)	\$0	\$0	\$0	\$0	\$0
<b>TOTAL Revenues</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>					
General Fund (01)	(\$11,802)	(\$70,810)	(\$70,810)	(\$71,872)	(\$72,950)

**Effect on County or Other Local Revenues or Expenditures:**

1. The number of misdemeanor cases in limited courts may increase with this legislation. This may increase cost to cities and counties.


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Sponsor's Initials      Date      Budget Director's Initials      Date