



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 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 2020 Difference</u>	<u>FY 2021 Difference</u>	<u>FY 2022 Difference</u>	<u>FY 2023 Difference</u>
Expenditures:				
General Fund	\$292,000	\$292,000	\$296,380	\$300,826
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$292,000)</u>	<u>(\$292,000)</u>	<u>(\$296,380)</u>	<u>(\$300,826)</u>

Description of fiscal impact: If passed, the Office of Public Defender expects a significant increase in cases. The bill would also increase the penalty if the perpetrator used or threatened force or the use of a weapon, or if the victim is a minor. Under these circumstances, stalking would be a felony punishable by a fine, imprisonment, or both. This bill would also include convictions in other states or on federally recognized reservations when determining the number of past convictions. The Department of Corrections and the Judicial Branch may also see impacts from this legislation but are unable to determine the specific impacts.

FISCAL ANALYSIS

Assumptions:

Office of Public Defender (OPD)

1. OPD assumes this bill will substantially expand the scope of the stalking and violation of no contact statutes.
2. During FY 2018, there were 30 felony cases related to stalking and 256 misdemeanor cases related to no contact and stalking. OPD assumes that if passed, this bill will increase caseload by 60 felony cases and 512 misdemeanor cases.
3. In FY 2018, the cost per case was \$1,752 for felony cases and \$365 for misdemeanor cases.
 - a. The total impact per fiscal year is \$292,000.
 - i. Felony case cost increase would be \$105,120 (\$1,752 cost per case x 60 cases).
 - ii. Misdemeanor case cost increase would be \$186,880 (\$365 cost per case x 512 cases).
 - iii. There is a 1.5% inflation factor added to FY 2022 and FY 2023.

Department of Corrections

4. The Department of Corrections determined 132 people have been previously prosecuted under Section 45-5-220, MCA. Seventy-six of those prosecuted were sentenced to the Department of Corrections for an average sentence of 54 months. Fifty-six people received an average deferred sentence of 39 months. Of the 76 sentenced to the Department of Corrections, 23 people did not receive any sentence suspension. Forty people received a fully suspended sentence, while the remaining 13 received a partial sentence suspension.
5. The Department of Corrections is unable to determine how many new sentences would be prosecuted under the proposed changes.
6. 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.

Judicial Branch

7. 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 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>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses	<u>\$292,000</u>	<u>\$292,000</u>	<u>\$296,380</u>	<u>\$300,826</u>
TOTAL Expenditures	<u><u>\$292,000</u></u>	<u><u>\$292,000</u></u>	<u><u>\$296,380</u></u>	<u><u>\$300,826</u></u>
<u>Funding of Expenditures:</u>				
General Fund (01)	<u>\$292,000</u>	<u>\$292,000</u>	<u>\$296,280</u>	<u>\$300,826</u>
TOTAL Funding of Exp.	<u><u>\$292,000</u></u>	<u><u>\$292,000</u></u>	<u><u>\$296,280</u></u>	<u><u>\$300,826</u></u>
<u>Revenues:</u>				
General Fund (01)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL Revenues	<u><u>\$0</u></u>	<u><u>\$0</u></u>	<u><u>\$0</u></u>	<u><u>\$0</u></u>
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$292,000)	(\$292,000)	(\$296,280)	(\$300,826)

Effect on County or Other Local Revenues or Expenditures:

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

NO SPONSOR SIGNATURE

Sponsor's Initials

Date

Budget Director's Initials

Date

TZ

1/17/19