



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2023 Biennium

Bill # HB0183

Title: Eliminate requirement that offenders pay public defender fees

Primary Sponsor: Tenenbaum, Danny

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 2022</u> <u>Difference</u>	<u>FY 2023</u> <u>Difference</u>	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>
Expenditures:				
General Fund	(\$2,500)	(\$2,500)	(\$2,500)	(\$2,500)
Revenue:				
General Fund	(\$330,000)	(\$330,000)	(\$330,000)	(\$330,000)
Net Impact-General Fund Balance:	<u>(\$327,500)</u>	<u>(\$327,500)</u>	<u>(\$327,500)</u>	<u>(\$327,500)</u>

Description of fiscal impact: The Office of the State Public Defender (OPD) has the statutory obligation to represent individuals charged with a crime who cannot afford to hire counsel. If passed this legislation will minimally impact the OPD directly through a decrease in operating expenses. Deposit from the fees no longer collected will cause a decrease in general fund revenue.

FISCAL ANALYSIS

Assumptions:

1. Section 46-8-113, MCA, allows the court to impose a public defender fee for any case where the client is found guilty whether by plea or at trial in the following amounts: \$250 per Misdemeanor case and \$800 per Felony case. At fiscal year-end all revenue collected by the OPD for payment of assigned counsel is reverted to the general fund. Collected revenue is not used to offset OPD expenses directly.
 - a. The OPD assumes average collections of \$330,000 over the next four years. This is based on the historical average over the last three fiscal years, FY 2018: \$313,472, FY 2019: \$332,374, and FY 2020: \$343,527.
 - b. Collections are affected by other assessments, which have decreased over the last three fiscal years from \$1,043,229 in FY 2018, to \$1,029,955 in FY 2019 to \$831,062 in FY 2020.

- OPD assumes elimination of public defender fees would create an estimated \$2,500 per year savings related to expenses incurred for administering the fee notification processing.

	<u>FY 2022</u> <u>Difference</u>	<u>FY 2023</u> <u>Difference</u>	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Personal Services	\$0	\$0	\$0	\$0
Operating Expenses	(\$2,500)	(\$2,500)	(\$2,500)	(\$2,500)
TOTAL Expenditures	<u>(\$2,500)</u>	<u>(\$2,500)</u>	<u>(\$2,500)</u>	<u>(\$2,500)</u>
<u>Funding of Expenditures:</u>				
General Fund (01)	(\$2,500)	(\$2,500)	(\$2,500)	(\$2,500)
TOTAL Funding of Exp.	<u>(\$2,500)</u>	<u>(\$2,500)</u>	<u>(\$2,500)</u>	<u>(\$2,500)</u>
<u>Revenues:</u>				
General Fund (01)	(\$330,000)	(\$330,000)	(\$330,000)	(\$330,000)
TOTAL Revenues	<u>(\$330,000)</u>	<u>(\$330,000)</u>	<u>(\$330,000)</u>	<u>(\$330,000)</u>
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$327,500)	(\$327,500)	(\$327,500)	(\$327,500)

NOT SIGNED BY SPONSOR

Sponsor's Initials

1/26/21

Date

KA

Budget Director's Initials

1/25/21

Date