



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2023 Biennium

Bill # HB0189

Title: Generally revise criminal sentencing and judgment laws

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 Difference</u> | <u>FY 2023 Difference</u> | <u>FY 2024 Difference</u> | <u>FY 2025 Difference</u> |
|---|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Expenditures: | | | | |
| General Fund | Undeterminable | Undeterminable | Undeterminable | Undeterminable |
| Revenue: | | | | |
| General Fund | \$0 | \$0 | \$0 | \$0 |
| Net Impact-General Fund Balance: | <u>Undeterminable</u> | <u>Undeterminable</u> | <u>Undeterminable</u> | <u>Undeterminable</u> |

- Description of fiscal impact:** HB 189 could have a potential impact on the Department of Corrections (DOC), but because of conflicting language in the bill, the agency is unable to determine the impact.

FISCAL ANALYSIS

Assumptions:

- HB 189 makes changes to prisoners eligible for nonmedical parole in 46-23-201, MCA.

Technical Notes:

- HB 189 is ambiguous regarding its effect on several mandatory parole restrictions, included in some sentences for particular crimes and aggravating circumstances, and does not explicitly address any mandatory parole restrictions.
- When a general provision and a particular provision are inconsistent, the particular provision governs over the general provision 1-2-102, MCA. Applying the maxim supports the interpretation that mandatory parole restrictions not addressed by HB 189 would not be affected by HB 189.

DT

Sponsor's Initials

1/26/21

Date

KA

Budget Director's Initials

1/25/21

Date