



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2023 Biennium

<b>Bill #</b>	HB0552	<b>Title:</b>	Establish Montana racial justice act
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<b>Primary Sponsor:</b>	Stafman, Ed	<b>Status:</b>	As Introduced
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- 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>
<b>Expenditures:</b>				
General Fund	\$426,236	\$415,180	\$420,895	\$427,349
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>(\$426,236)</u>	<u>(\$415,180)</u>	<u>(\$420,895)</u>	<u>(\$427,349)</u>

**Description of fiscal impact:** HB 552 provides for a Racial Justice Act, which enables convicted persons to challenge the validity of their convictions through a habeas corpus petition. This will increase the caseload in Department of Justice and Office of Public Defender Prosecution Services Division and Appellate Services Division. The Judicial Branch will also an increase in caseload but is unable to estimate the fiscal impact.

### FISCAL ANALYSIS

#### Assumptions:

#### **Department of Justice (DOJ)**

1. It is assumed that the increased workload from the passage of HB 552 will require the Department of Justice to hire additional staff as follows: 1.00 FTE Prosecution Attorney, 1.00 FTE Appellate Attorney and 0.50 FTE Paralegal.
2. The personal expenses for 2.5 FTE are estimated at \$306,501 in FY 2022 and FY 2023, \$311,099 in FY 2024 and \$315,766 in FY 2025 (a 1.5% inflation rate has been assumed)
3. Operating expenses are estimated at \$21,032 in FY 2022 with \$8,256 being one-time-only. Ongoing operational costs are estimated at \$12,776 in FY 2023, \$12,968 in FY 2024 and \$13,163 in FY 2025.

**Office of Public Defender (OPD):**

- OPD assumes five new petitions in which defense may be appointed by the court under Section 7, part 3 (b). To accommodate work on these new petitions, OPD assumes the need for 1.00 FTE. The additional lawyer is calculated at a cost of \$95,903 for FY 2022 and FY 2023. There is an inflationary increase of 1.5% for FY 2024 and FY 2025. A one-time-only operating cost of \$2,800 for FY 2022 is also required.

**Judicial Branch:**

- Section 4 introduces several new potential causes for a defendant to file a motion or file for writ of habeas corpus alleging a violation of these causes.
- Adding more potential causes effectively adds more potential hearings which could increase judicial workload. However, 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 the court dockets currently are full in many judicial districts throughout the state.

	<u>FY 2022 Difference</u>	<u>FY 2023 Difference</u>	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>
<b><u>Fiscal Impact:</u></b>				
FTE DOJ	2.50	2.50	2.50	2.50
FTE OPD	1.00	1.00	1.00	1.00
<b><u>Expenditures:</u></b>				
Personal Services DOJ	\$306,501	\$306,501	\$311,099	\$315,766
Operating Expenses DOJ	\$21,032	\$12,776	\$12,968	\$13,163
Personal Services OPD	\$95,903	\$95,903	\$96,828	\$98,420
Operating Expenses OPD	\$2,800	\$0	\$0	\$0
<b>TOTAL Expenditures</b>	<b>\$426,236</b>	<b>\$415,180</b>	<b>\$420,895</b>	<b>\$427,349</b>
<b><u>Funding of Expenditures:</u></b>				
General Fund (01)	\$426,236	\$415,180	\$420,895	\$427,349
<b>TOTAL Funding of Exp.</b>	<b>\$426,236</b>	<b>\$415,180</b>	<b>\$420,895</b>	<b>\$427,349</b>
<b><u>Revenues:</u></b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>TOTAL Revenues</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>				
General Fund (01)	(\$426,236)	(\$415,180)	(\$420,895)	(\$427,349)

**NOT SIGNED BY SPONSOR**

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Sponsor's Initials

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Date

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Budget Director's Initials

\_\_\_\_\_  
Date