



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2023 Biennium

Bill # HB0553

Title: Limit time of suspended sentences for felony convictions

Primary Sponsor: Patelis, Jimmy

Status: As Introduced-Revised

- 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	(\$503,626)	(\$491,034)	(\$526,124)	(\$563,334)
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$503,626</u>	<u>\$491,034</u>	<u>\$526,124</u>	<u>\$563,334</u>

Description of fiscal impact: HB 553 amends 46-18-201, MCA, by limiting the length of a suspended sentence imposed by a court. If passed, this bill would impact the Department of Corrections (DOC) by requiring an immediate review of all sentences currently being served on probation to determine if the offender would be entitled to early termination. If passed, this could reduce the number of offenders serving time on probation.

FISCAL ANALYSIS

Assumptions:

- The bill adds language that a sentencing judge may not suspend execution of sentence... in a manner that would result in an offender being supervised in the community... for a period of time longer than” 20 years for a sexual offender, 15 years for a violent offender, 10 years for offender convicted of certain drug crimes “or 5 years for all other felony offenses.”

Department of Corrections (DOC)

- At this time the DOC IT department was able to preliminarily identify 1,256 offenders who would qualify for termination in the next four fiscal years per the proposed language.
- HB 553 would be applied retroactively to sentences imposed prior to passage when the suspended portion of an offender’s sentence has resulted in the offender serving more time on supervision by the DOC than allowed under HB 553. Due to retroactive applicability of this bill the impact in the first fiscal year following passage of the bill would be significant. However, the rapid discharge of sentences would quickly taper off to a normal

level that would sustain the current case load of DOC Probation and Parole officers, new convictions not included. The first year does not include those cases from FY 2003 – FY 2021 as it would skew the average number of offenders this bill would affect in each year.

4. An average of 200 offenders would be released from supervision each year. There are approximately 149 P&P Officers that carry an offender caseload. This bill would reduce each officer’s caseload by one offender each year.

Office of Public Defender (OPD)

5. OPD assumes there may be a decrease of approximately 10% for petitions to revoke cases over the next four years, or approximately 210 per year based on the number of cases received in FY 2020.
 - a. OPD received 2,104 district court or felony revocations cases in FY 2020.
6. The agency estimates a reduction of approximately 1,470 hours of attorney work time per year.
 - a. OPD currently weights defense of a felony revocation at a minimum of seven hours of attorney case time. (210 x 7 = 1,470 hours)
7. Savings to the agency are estimated at \$100,666 per fiscal year.
 - a. OPD current hourly rate is \$68.48, established during the FY 2019 performance audit. (1,470 x \$68.48 = \$100,666).
 - b. A 1.5% inflation factor is applied in fiscal years 2024 and 2025.

	<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>				
DOC Operating Expenses	(\$402,960)	(\$390,368)	(\$423,948)	(\$459,626)
OPD Operating Expenses	(\$100,666)	(\$100,666)	(\$102,176)	(\$103,708)
TOTAL Expenditures	<u>(\$503,626)</u>	<u>(\$491,034)</u>	<u>(\$526,124)</u>	<u>(\$563,334)</u>
<u>Funding of Expenditures:</u>				
General Fund (01)	(\$503,626)	(\$491,034)	(\$526,124)	(\$563,334)
TOTAL Funding of Exp.	<u>(\$503,626)</u>	<u>(\$491,034)</u>	<u>(\$526,124)</u>	<u>(\$563,334)</u>
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
TOTAL Revenues	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	\$503,626	\$491,034	\$526,124	\$563,334



 Sponsor's Initials Date 3/10/21



 Budget Director's Initials Date 3/8/21