



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2023 Biennium

<b>Bill #</b>	HB0659	<b>Title:</b>	Generally revise criminal laws
<b>Primary Sponsor:</b>	Olsen, Andrea	<b>Status:</b>	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>
<b>Expenditures:</b>				
General Fund	\$472,105	\$445,844	\$453,472	\$461,243
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>(\$472,105)</u>	<u>(\$445,844)</u>	<u>(\$453,472)</u>	<u>(\$461,243)</u>

**Description of fiscal impact:** Section 5 of this bill provides for the appointment of a judge to determine the expungement or resentencing of marijuana convictions and section 7 provides a general fund appropriation for the purpose of funding the related costs.

### FISCAL ANALYSIS

**Assumptions:**  
**Judicial Branch**

1. New section 7 of the bill provides a \$1 million appropriation from the general fund for the purpose of funding an appointed judge, one full-time employee, and office rental and equipment purchases. The one full-time employee is assumed to be a law clerk.
2. It is assumed that the \$1 million appropriation is for the biennium.
3. The Judicial Branch assumes that in addition to the judge and law clerk, a full-time judicial assistant, and full-time court reporter will also be required and there will be annual ongoing operating costs.
4. IBARS data for similar positions is used to estimate the costs for the appointed judge and related staff.
5. It is assumed that the judge appointed in section 5 will be paid the same rate as an elected district court judge and that the judge will be appointed effective July 1, 2021.

6. The costs (salary and benefits) for the positions for a full year in FY 2022 are estimated as follows: appointed judge = \$166,783 (does not include cost for employer's contribution to the judges retirement system); law clerk = \$69,176, judicial assistant = \$55,054, and court reporter = \$79,233 for total personal services costs of \$371,247.
7. The costs (salary and benefits) for the positions for a full year in FY 2023 is estimated as follows: appointed judge = \$166,783 (does not include cost for employer's contribution to the judges retirement system); law clerk = \$69,225, judicial assistant = \$56,091, and court reporter = \$79,537 for total personal services costs of \$371,636.
8. One-time startup costs include the standard new employee package of a desk, chair, bookshelf, and file cabinet for \$6,400 (\$1,600 x 4 employees); computers at \$4,800 (\$1,200 x 4 employees); one set of MCA books for \$750; the cost of a copier/scanner/fax machine at \$4,500, employee ads for a total of \$200; court reporting equipment at \$10,000. Total one-time startup costs are estimated at \$26,650.
9. The staff will also incur annual ongoing operating costs which are based on FY 2019 actuals and are estimated as follows: data network charges at \$1,020/employee (\$85/month/employee); office supplies at \$462/employee; subscription to online legal research for the office \$1,800; copy costs \$48/employee; communications \$542/employee; books and reference materials \$775; court reporter equipment maintenance \$645. Fiscal year 2019 actuals were used to build these estimates as FY 2020 actuals contain potential impacts related to COVID19.
10. Operating costs are estimated at \$11,508 for each fiscal year 2022 and 2023.
11. The staff will require office space, which is assumed to be located in a private/non-state building. Office space is estimated at 3,300 square feet and would include four offices, a conference room, and storage space. The current estimated lease rate per square foot is estimated at \$19 for a total annual cost of \$62,700. Lease costs will be incurred for a full year in FY 2022 and FY 2023. Lease costs are assumed to increase 3% each year starting in FY 2024.
12. The total costs for each fiscal year are as follows:
  - a. FY 2022 = \$472,105 (\$371,247 personal services + \$26,650 one-time startup + \$11,508 operating + \$62,700 office space lease costs)
  - b. FY 2023 = \$445,844 (\$371,636 personal services + \$11,508 operating + \$62,700 office space lease costs)
  - c. FY 2024 = \$453,472 (\$377,210 personal services + \$11,681 operating + \$64,581 office space lease costs), costs are FY 2023 personal services and operating increased by 1.5% for inflation and rental costs increased by 3%.
  - d. FY 2025 = \$461,243 (\$382,869 personal services + \$11,856 operating + \$66,581 office space lease), costs are FY 2024 personal services and operating increased by 1.5% for inflation and rental costs increased by 3%.

	<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	4.00	4.00	4.00	4.00
<b><u>Expenditures:</u></b>				
Personal Services	\$371,247	\$371,636	\$377,210	\$382,869
Operating Expenses	\$100,858	\$74,208	\$76,262	\$78,374
<b>TOTAL Expenditures</b>	<b>\$472,105</b>	<b>\$445,844</b>	<b>\$453,472</b>	<b>\$461,243</b>
<b><u>Funding of Expenditures:</u></b>				
General Fund (01)	\$472,105	\$445,844	\$453,472	\$461,243
<b>TOTAL Funding of Exp.</b>	<b>\$472,105</b>	<b>\$445,844</b>	<b>\$453,472</b>	<b>\$461,243</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)	(\$472,105)	(\$445,844)	(\$453,472)	(\$461,243)

**Technical Notes:**

1. The bill does not explicitly include an effective date. It would be helpful for the bill to include a July 1 effective date.
2. The appropriation in Section 7 of the bill does not include a timeframe. It is assumed that the appropriation is for the biennium beginning July 1, 2021 (2023 biennium), but it would be helpful for the bill to indicate so.
3. If the appropriation is intended for the 2023 biennium, then ongoing costs would need to be built into HB 2 for the 2025 biennium. Since the bill does not include a termination date, it is assumed that this function would be ongoing.

**AUTHORIZED BY SPONSOR**

Sponsor's Initials

3/25/21  
Date

KA  
Budget Director's Initials

3-24-21  
Date