



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2023 Biennium

Bill # HB0706

Title: Generally revise criminal law

Primary Sponsor: Greef, Sharon

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	\$5,000	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u>(\$5,000)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: This bill has no fiscal impact to the state.

FISCAL ANALYSIS

Assumptions:

1. HB 706 does not appear to affect the Department of Corrections (DOC) as it only amends misdemeanor DUI laws by creating additional penalties or consequences for a second or third conviction of 61-8-401, -406, or -411, MCA.
2. DOC would not be affected by the language of HB 706 as the department would not be responsible for additional jail costs or for the required monitoring devices or mental health assessments for 2nd and 3rd offenses DUI.

Technical Notes:

1. New Section 6, (1)(c) requires a mental health assessment for second or third convictions but does not clarify which entity is responsible for this assessment. DPHHS (AMDD) provides assessments and treatment if the treatment is determined to be medically necessary. If treatment is court-ordered, utilization review would still have to determine medical necessity before treatment would be covered.
2. Section 7 would make an appropriation of \$5,000 from the state general fund to the DOC for the purposes described in the bill, but this bill does not address felony DUI sentences, therefore the appropriation would not be needed by DOC.

NOT SIGNED BY SPONSOR

Sponsor's Initials

4/6/21

Date

KA

Budget Director's Initials

4-5-21

Date