



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2023 Biennium

**Bill #** HB0091

**Title:** Revise violent offender registry laws

**Primary Sponsor:** Farris-Olsen, Robert

**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</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	\$29,418	\$25,018	\$25,393	\$25,764
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>(\$29,418)</u>	<u>(\$25,018)</u>	<u>(\$25,393)</u>	<u>(\$25,764)</u>

**Description of fiscal impact:** The Department of Justice would require an additional 0.25 FTE to perform duties prescribed in the bill. HB 91 could have an impact on the Department of Corrections (DOC) based on employee workload to comply and assist with the new proposed language.

### FISCAL ANALYSIS

#### Assumptions:

#### **Department of Justice**

- HB 91 amends the violent offender registry requirements found in Title 46, Ch. 23, Part 5 by automatically relieving the offender of the duty to register after 10 years, by removing the potential for a lifetime registration requirement, and by providing that a conviction for failure to register would be automatically vacated and expunged from records after 10 years.
- Implementation of the bill would require 0.25 FTE to update the registry. The personal services cost would be \$20,047 each year in the 2023 biennium. Associated operating costs would be \$9,371 in FY 2022 and \$4,971 in FY 2022
- A 1.5% inflation factor has been applied in the 2025 biennium.

#### **Department of Corrections (DOC)**

- The passage of HB 91 would require department staff to remove the registered flag from OMIS records upon the completion of the registration requirement timeframe for each offender it applies to.

5. The DOC currently has 5,353 Sexual Offenders and Violent Offenders required to register on supervision.
6. The DOC is unable to determine how many labor hours would be required under the proposed changes.
7. This would require IT staff to create a report and automate the process to remove that designation from offenders once the 10-year requirement has been met.
8. The DOC victim liaisons attend court with victims and assist them with new victim impact statements if they wish to oppose an offender's removal from the registry. This automatic removal takes away the victim's voice and could result in increased hours for victim services staff.

**Judicial Branch**

9. Under 46-23-507, Section 3, MCA, the court is required to order the expungement of all records of arrest, investigation, and detention and any court proceedings.
10. The number of district court cases may increase as a result of this legislation; 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</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><u>Fiscal Impact:</u></b>				
FTE	0.25	0.25	0.25	0.25
<b><u>Expenditures:</u></b>				
Personal Services	\$20,047	\$20,047	\$20,347	\$20,652
Operating Expenses	\$9,371	\$4,971	\$5,046	\$5,112
<b>TOTAL Expenditures</b>	<u>\$29,418</u>	<u>\$25,018</u>	<u>\$25,393</u>	<u>\$25,764</u>
<b><u>Funding of Expenditures:</u></b>				
General Fund (01)	\$29,418	\$25,018	\$25,393	\$25,764
<b>TOTAL Funding of Exp.</b>	<u>\$29,418</u>	<u>\$25,018</u>	<u>\$25,393</u>	<u>\$25,764</u>
<b><u>Revenues:</u></b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>TOTAL Revenues</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>				
General Fund (01)	(\$29,418)	(\$25,018)	(\$25,393)	(\$25,764)

**Effect on County or Other Local Revenues or Expenditures:**

1. Local courts and county attorneys may be impacted due to required notifications being provided to the Department of Justice.

**NOT SIGNED BY SPONSOR**      1/13/21      KA      1/12/21  
*Sponsor's Initials*      *Date*      *Budget Director's Initials*      *Date*