



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2023 Biennium

Bill # HB0377

Title: Revise criminal penalties for certain threats of violence

Primary Sponsor: McKamey, Wendy

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>
Expenditures:				
General Fund	Undeterminable	Undeterminable	Undeterminable	Undeterminable
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>Undeterminable</u>	<u>Undeterminable</u>	<u>Undeterminable</u>	<u>Undeterminable</u>

Description of fiscal impact: Both the Office of the State Public Defender (OPD) and the Department of Corrections (DOC) are unable to determine how many new cases would be prosecuted under the proposed changes and the new felony.

FISCAL ANALYSIS

Assumptions:

The Office of Public Defender:

1. The Office of the State Public Defender (OPD) has the statutory obligation to represent individuals charged with a crime who cannot afford to hire counsel. This legislation creates a new felony penalty under Title 45, chapter 5 of the MCA. OPD assumes each new case requires a minimum of 20 hours of attorney time for this case type. The current full-time employee (FTE) all-inclusive hourly rate is \$68.48, established by the FY 2019 performance audit. OPD estimates each new case charged under this legislation would cost the agency \$1,369.60 (20 hours x \$68.48 per hour). However, the agency is currently unable to estimate the number of new cases that might be charged under this penalty and are unable to quantify the fiscal impact.

Department of Corrections:

2. This bill could increase the number of persons subject to incarceration or supervision by the DOC. However, it is unknown how many new convictions there would be under this bill, but it does carry the potential for increased incarceration and supervision.

Fiscal Note Request – As Introduced

(continued)

3. If a person is convicted of a felony under this language, the cost of incarceration is \$41,803 per year per male inmate and \$42,402 per year per female inmate.
4. DOC is not currently capable of documenting additional data regarding the proposed language and would have to modify the Offender Management Information System (OMIS) to properly track these offenses.

<u>Randy McKamey</u>	<u>2-18-2021</u>	<u>KA</u>	<u>2/17/21</u>
Sponsor's Initials	Date	Budget Director's Initials	Date