



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2023 Biennium

<b>Bill #</b>	HB0557	<b>Title:</b>	Revise missing person laws
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<b>Primary Sponsor:</b>	Windy Boy, Jonathan	<b>Status:</b>	As Introduced
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- 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	Unknown	Unknown	Unknown	Unknown
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

**Description of fiscal impact:** HB 557 creates two new crimes, as such Office of the State Public Defender anticipates an increase in costs. OPD is currently unable to estimate the number of cases that might be charged under the revision and is unable to quantify fiscal impact. The Department of Corrections is unable to determine how many new cases would be felony prosecutions subject to incarceration under the proposed changes.

### FISCAL ANALYSIS

#### Assumptions:

#### **Office of Public Offender (OPD)**

- If the missing person dies "as a result of an activity that could have been avoided through a timely report," the person who failed to provide a timely report to law enforcement is guilty of a felony and could be sentenced to a state prison for five (5) years, fined \$10,000, or both.
- OPD assumes New Section 1, part 2 (a) establishes a new crime by which a person can be charged with a misdemeanor crime under Title 45 of the MCA.
  - OPD currently weights defense of a misdemeanor crime at minimum of seven hours of active case time.
  - OPD current hourly rate is \$68.48, established during the FY 2019 performance audit.
  - Each new case charged will cost the state an additional \$479.36 at a minimum. (7 x 68.48 = 479.36)
- OPD assumes New Section 1, part 2 (b) establishes a new crime by which a person can be charged with a felony crime under Title 45 of the MCA, Offenses Against Public Order.

- a. OPD currently weights defense of a felony crime of this type at a minimum of 10 hours of active case time.
  - b. OPD current hourly rate is \$68.48, established during the FY 2019 performance audit.
  - c. Each new case charged will cost the state an additional \$684.80 at a minimum. (10 x 68.48 = 648.80)
4. OPD is unable to quantify the impact because this legislation introduces new crimes but does expect costs of this agency to increase.

**Department of Corrections (DOC)**

- 5. 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. The department is unable to determine how many individuals may be convicted and sentenced to incarceration by the DOC.

**NOT SIGNED BY SPONSOR**

_____	3/1/21	KA	2/26/21
<i>Sponsor's Initials</i>	<i>Date</i>	<i>Budget Director's Initials</i>	<i>Date</i>