



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2023 Biennium

Bill #	HB0583	Title:	Generally revise criminal justice laws
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Primary Sponsor:	Seekins-Crowe, Kerri	Status:	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 Difference</u>	<u>FY 2023 Difference</u>	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>
Expenditures:				
General Fund	\$2,701,584*	\$2,625,704*	\$2,665,224*	\$2,704,744*
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	(\$2,701,584*)	(\$2,625,704*)	(\$2,665,224*)	(\$2,704,744*)

Description of fiscal impact: HB 583 requires the Department of Corrections (DOC) to provide additional educational programming in each facility, including its contracted facilities. DOC staff would be required to calculate an offender's education credits, work credits, behavioral credits, and self-improvement credits quarterly and notify the offender of the total credits earned each quarter for all offenders under secure custody and community supervision. *At this time there are still many unknown fiscal impacts included in the bill. The fiscal impact included in this fiscal note is only for the FTE needed for educational and clerical needs.

FISCAL ANALYSIS

Assumptions:

Department of Corrections

- Secure custody in DOC would need 25.00 FTE in the records department to calculate education and work credits quarterly for the average offender count of 15,883. The new staff would be paid \$19.45 per hour plus benefits. Montana Correctional Enterprises (MCE) would require 10.00 FTE for education staff paid \$26.30 per hour plus with benefits. The Central Office would require 3.00 FTE for IT, Communications and Crime Victim's Notification, paid \$28.00 per hour plus benefits. Associated operating costs are also included.
- The bill requires that DOC staff facilitate education programs in all state prisons, prereleases, and treatment programs. Within 15 days of placement in a prison, the DOC must determine the offender's level of education.

3. The DOC does not have staff nor a matrix to determine the level of education of an offender under community supervision. *The department is unable to quantify that cost at this time.*
4. DOC currently is not required to provide in-house educational programs in prerelease facilities, contracted or holding facility or detention centers. These new requirements would increase the per diem rate the department currently pays for those services. *The department is unable to quantify that cost at this time.*
5. Within 30 days, the DOC would have to offer each offender the opportunity to enroll in education classes, including vocational programs, apprenticeships, internships, and accredited educational programs leading to a certificate or degree.
6. The Corrections IT system OMIS is not set up to track this data and it would not be available as of 07/01/21.
7. The bill also allows correctional officers, who have been employed for 1 year, to participate in an educational program if offered by the facility in which the officer works. This includes all state prison and contracted facility employees. *The DOC cannot quantify this fiscal impact.*

	<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>
<u>Fiscal Impact:</u>				
FTE	38.00	38.00	38.00	38.00
<u>Expenditures:</u>				
Personal Services	\$2,586,184	\$2,625,704	\$2,665,224	\$2,704,744
Operating Expenses	\$115,400	\$0	\$0	\$0
TOTAL Expenditures	<u>\$2,701,584</u>	<u>\$2,625,704</u>	<u>\$2,665,224</u>	<u>\$2,704,744</u>
<u>Funding of Expenditures:</u>				
General Fund (01)	\$2,701,584	\$2,625,704	\$2,665,224	\$2,704,744
TOTAL Funding of Exp.	<u>\$2,701,584</u>	<u>\$2,625,704</u>	<u>\$2,665,224</u>	<u>\$2,704,744</u>
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
TOTAL Revenues	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$2,701,584)	(\$2,625,704)	(\$2,665,224)	(\$2,704,744)

Technical Issues:

1. The bill has conflicting language:
 - a. Section 3-1(c) says citizens should be offered enrollment in education classes within 30 days of screening.
 - b. Section 3-2 says citizens must have 6 months clear conduct to enroll in an education class.
2. The bill language does not address the fact that an offender with existing education credits or degree would not have the same opportunity to earn credits for sentence reduction as an offender without education credits or degree.
3. There are IT constraints that would not allow for a start date of July 1, 2021.

NOT SIGNED BY SPONSOR

Sponsor's Initials

3/1/21
Date

AB for KA

Budget Director's Initials

3/1/21

Date