



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2023 Biennium

Bill #	HB0583	Title:	Generally revise criminal justice laws
Primary Sponsor:	Seekins-Crowe, Kerri	Status:	As Amended in House Committee

- 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	\$1,387,504	\$1,346,824	\$1,365,544	\$1,384,264
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$1,387,504)</u>	<u>(\$1,346,824)</u>	<u>(\$1,365,544)</u>	<u>(\$1,384,264)</u>

Description of fiscal impact: HB 583, as amended, 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 care. This legislation would have a significant fiscal impact upon DOC.

FISCAL ANALYSIS

Assumptions:

Department of Corrections

- The bill amendment proposes language that returns the department to calculating "Good Time" for offenders quarterly. This practice was discontinued several years ago because it was labor intensive to track and subjective. The amendment limits the impacts of the bill to state prisoners only, reducing the need for staff from the previous fiscal note. Montana State Prison would need 5.00 FTE in the records department to calculate the good time quarterly for the average offender count of 2,854. This would need to be done manually as there is no automated way to perform the calculation. The new staff would be paid \$19.45/hour, with \$.50 increase per year, plus benefits. Montana Correctional Enterprises (MCE) would require 10.00 FTE for Education, paid \$26.30/hour, with \$.50 increase per year, plus benefits. The Central Office would require

- 3.00 FTE for IT, Communications, and Crime Victim’s Notification, paid \$28.00/hour, with \$.50 increase per year, plus benefits.
2. This bill would allow sexual and violent felony offenders to receive parole eligibility before they have served the current minimum of 25% of their prison sentence. This will lead to additional victim notification required by DOC victim services.
 3. The bill requires DOC staff to facilitate education programs in all state prisons. Within 21 days of placement in a prison, the DOC must determine the offender’s level of education.
 4. 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.
 5. OMIS (the department’s offender management system) does not currently have a way to track this data and it would not be available as of 01/01/2022 given all the other data collection points that have been added through new legislation. The department would need a later start date to be able to build the OMIS module(s).
 6. 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. The bill does not specify if it would be on personal time or state paid time or expense. This could mean all state prisons, including contracted facilities, and could have a significant fiscal impact that the department is unable to quantify.

	<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	18.00	18.00	18.00	18.00
<u>Expenditures:</u>				
Personal Services	\$1,328,104	\$1,346,824	\$1,365,544	\$1,384,264
Operating Expenses	\$59,400	\$0	\$0	\$0
TOTAL Expenditures	<u>\$1,387,504</u>	<u>\$1,346,824</u>	<u>\$1,365,544</u>	<u>\$1,384,264</u>
<u>Funding of Expenditures:</u>				
General Fund (01)	\$1,387,504	\$1,346,824	\$1,365,544	\$1,384,264
TOTAL Funding of Exp.	<u>\$1,387,504</u>	<u>\$1,346,824</u>	<u>\$1,365,544</u>	<u>\$1,384,264</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)	(\$1,387,504)	(\$1,346,824)	(\$1,365,544)	(\$1,384,264)

Technical Notes:

1. The bill does not address any provisions for those who, due to intellectual or physical limitations, cannot participate in school or work credits successfully as there are no reasonable accommodations that are feasible. Under ADA, the department is not required to create a job, but as written this may cause litigation related to equal access to work or education, and claims that the department is hindering potential release through lack of available options for those individuals.
2. The department could face litigation if an inmate is eligible to work, but there are no job openings available.

NOT SIGNED BY SPONSOR

Sponsor's Initials

3/30/21

Date

KA

Budget Director's Initials

3-29-21

Date