



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

SPONSOR'S REBUTTAL TO FISCAL NOTE

House Bill Number: HB 183

Date Prepared: 01/26/21

Short Title: Eliminate requirement that offenders pay public defender fees

Sponsor: Rep. Danny Tenenbaum

Generally, why do you disagree with the fiscal note?

Specifically, what in the fiscal note do you feel is flawed?

This fiscal note only takes into account one agency's estimated expenses collecting the public defender fee. The fiscal note does not take into account the expenses incurred by the constitutionally-required ability to pay hearings regarding these fees that occur in city, municipal, justice, district courts when these fees are imposed, nor the annual expenses incurred by state employees of appealing those decisions to the Montana Supreme Court. Hearings on a defendant's ability to pay the public defender fee would become unnecessary if HB 183 becomes law.

There is no data available measuring the annual cost to taxpayers of paying multiple public employees to litigate these fees. Anecdotally, this type of litigation occurs on a daily basis throughout Montana courts. I cannot imagine the annual amount collected, however, comes anywhere close to meeting the total annual expense of paying public employees to litigate these fees.

What is your estimate of the fiscal impact?

Sponsor Signature:

Handwritten signature of Danny Tenenbaum, consisting of a stylized 'D' and 'T' followed by a horizontal line.
