



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:

HB0444 - Revising laws related to the pretrial program (Seekins-Crowe, Kerri)

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 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
Expenditures:				
General Fund	\$365,672	\$344,405	\$349,571	\$354,814
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$365,672)</u>	<u>(\$344,405)</u>	<u>(\$349,571)</u>	<u>(\$354,814)</u>

Description of fiscal impact: HB 444 requires the Office of the Court Administrator (OCA) to develop and administer a dangerousness or lethality assessment as part of the pretrial program.

FISCAL ANALYSIS

Assumptions:**Judicial Branch**


1. The current pretrial risk assessment is conducted centrally using criminal justice and court records. It contains a violence flag and automatic bump-up for partner or family member assault-related offenses. It is not a lethality assessment.
2. Validated lethality assessment requires an interview with the victim and/or the offender at the time of, or close to, the arrest.
3. The pretrial program is active in six counties, which would require a trained individual in each county to conduct the lethality assessment.
4. Lethality assessments are usually conducted by trained law enforcement officers or victim advocates. The bill requires the OCA to administer the assessment.

5. The Judicial Branch assumes it would need a 0.50 FTE to identify the assessment and provide on-going training and support of a contractor on the selected instrument.
6. Using IBARS data for a similar position, the costs, including fringe benefits and state share of health insurance of a half-time trainer, is \$37,922 for FY 2024 and \$38,020 for FY 2025
7. One-time startup costs include the standard new employee package of a desk, chair, bookshelf, and file cabinet for \$1,600 and computer for \$1,200, for a total new employee startup cost of \$2,800 to be incurred in FY 2024.
8. The court would select a free publicly available lethality assessment.
9. The OCA assumes it would provide funding for contracted services to each county to conduct the lethality assessment.
10. It is assumed Yellowstone County, Missoula County and Lewis and Clark County would each need 1.00 FTE for the assessment contractor.
11. Using IBARS data for a similar position in the state and assuming the county positions are paid similarly, the costs, including fringe benefits and health insurance would be \$63,673 each for a total of \$191,020 in FY 2024 and \$63,869 for each county or \$191,607 in FY 2025.
12. It is assumed Butte Silver Bow County, Lake County and Ravalli Count would each require .5 FTE for the contractor .
13. Using IBARS data for a similar position in the state and assuming the county positions are paid similarly, the costs, including fringe benefits and health insurance would be \$38,160 for each county for a total of \$114,482 in FY2024 and \$38,259 or a total of \$114,778 in FY 2025.
14. The current risk assessment is completed and delivered using a case management system. Adding a lethality assessment would require adjustments to the system.
15. The vendor charges a rate of \$243.10 an hour. It is estimated it would require 80 hours of programming or \$19,448 to add the change.
16. Total costs for each fiscal year are as follows:
 - a. FY 2024 = \$365,672 (One-time costs of re-programming system to add lethality assessment tool of \$19,448 +.5 FTE OCA employee to provide training and support to contractors in counties at \$37,922 + startup costs and \$305,502 for 3.00 FTE contractors in Yellowstone, Missoula, and Lewis and Clark counties and three 0.50 FTE positions in Butte Silver Bow, Lake, and Ravalli counties)
 - b. FY 2025=\$344,405 (costs of 0.50 OCA FTE \$38,020+\$306,385 for 3 FTE contractors in Yellowstone, Missoula and Lewis and Clark counties and three 0.50 FTE positions in Butte Silver Bow, Lake, and Ravalli counties)
 - c. FY2026 = \$349,571 (costs are FY 2025 costs increased by 1.5% inflation)
 - d. FY2027=\$354,814 (costs are FY 2026 costs increased by 1.5% inflation)
17. This program is currently funded as one-time-only. It has been requested as part of the Judicial Branch base budget for the 2027 biennium. This fiscal note assumes the program will continue.

	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
<u>Fiscal Impact:</u>				
FTE	0.50	0.50	0.50	0.50
<u>Expenditures:</u>				
Personal Services	\$37,922	\$38,020	\$38,590	\$39,169
Operating Expenses	\$22,248	\$0	\$0	\$0
Grants to counties	\$305,502	\$306,385	\$310,980	\$315,645
TOTAL Expenditures	<u>\$365,672</u>	<u>\$344,405</u>	<u>\$349,570</u>	<u>\$354,814</u>
<u>Funding of Expenditures:</u>				
General Fund (01)	\$365,672	\$344,405	\$349,570	\$354,814
TOTAL Funding of Exp.	<u>\$365,672</u>	<u>\$344,405</u>	<u>\$349,570</u>	<u>\$354,814</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)	\$ (365,672)	\$ (344,405)	\$ (349,570)	\$ (354,814)

Effect on Local Governments:

1. Local law enforcement agencies would need to agree to contact the lethality assessment contractors at the time of arrest. This may result in increased costs to local government.

Sponsor's Initials	Date	 Budget Director's Initials	2-15-23 Date
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