



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:

HB0746 - Create a conviction integrity unit (Sheldon-Galloway, Lola)

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 Difference</u>	<u>FY 2025 Difference</u>	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>
Expenditures:				
General Fund	\$252,270	\$452,342	\$460,072	\$467,946
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$252,270)</u>	<u>(\$452,342)</u>	<u>(\$460,072)</u>	<u>(\$467,946)</u>

Description of fiscal impact: HB 746 provides for a Montana Innocence Inquiry Commission which will investigate and determine credible claims of factual innocence and will be attached to the Judicial Branch Office of the Court Administrator.

FISCAL ANALYSIS



Assumptions:

1. It is assumed that the Judicial Branch HB 2 budget will provide funding for the ongoing personal services, operating, and investigative costs related to the commission.
2. Section 6 provides for the commission to employ a director, who must be an attorney, and related staff. Additional staff is assumed to include 1.00 FTE for an office administrator (clerical staff), 1.00 FTE for an investigator, and 1.00 FTE for a court reporter.
3. Section 4 of the bill requires the commission to hold its initial meeting no later than January 31, 2024. It is assumed that staff will be hired and working as of January 1, 2024, and .50 FTE will be required for each position in FY 2024.

4. IBARS FY 2025 data for similar positions was used to estimate the costs for the director, office administrator and court reporter. Cost estimates for the investigator are based on SABHRS pay expenditure data for a DOJ Division of Criminal Investigation crime investigator.
5. The salary and benefits of the positions for half a year in FY 2024 is estimated as follows: attorney director = \$52,874, office administrator = \$38,030, investigator = \$40,215, and court reporter = \$37,443, for a total of \$168,562 for 2.00 FTE (4 positions for 6 months of the fiscal year).
6. The salary and benefits of the positions in FY 2025 is estimated as follows: attorney director = \$106,107, office administrator = \$76,303, investigator = \$80,690, and court reporter = \$75,125, for a total of \$338,225 for 4.00 FTE (4 positions for a full fiscal year).
7. One-time startup costs include the standard new employee package of a desk, chair, bookshelf, and file cabinet for \$6,400 (\$1,600 x 4 employees); computers at \$4,800 (\$1,200 x 4 employees); one set of MCA books for \$750; the cost of a copier/scanner/fax machine at \$4,500, employee ads for a total of \$200; court reporting equipment at \$10,000. Total one-time startup costs are estimated at \$26,650.
8. The commission staff will also incur annual ongoing operating costs which are based on FY 2019 actuals plus 1.5% inflation rate and are estimated as follows: data network charges at \$1,035/employee; office supplies at \$469/employee; subscription to online legal research for the office \$1,827; copy costs \$49/employee; communications \$550/employee; books and reference materials \$787; court reporter equipment maintenance \$654. Fiscal year 2019 actuals were used to build these estimates as FY 2020, FY 2021 and FY 2022 actuals contain potential impacts related to COVID 19.
9. Operating costs for FY 2024 will be incurred for six months of the year for a total of \$5,840; FY 2025 operating costs are estimated at \$11,680.
10. The commission staff will require an office location, which is assumed to be in a private/non-state building. Office space is estimated at 3,000 square feet and would include three offices, a conference room and storage space. The estimated lease rate per square foot is estimated at \$20.77 for a total annual cost of \$63,000. Lease costs for six months in FY 2024 is calculated at \$31,500 (3,000 square feet x \$20.77/2), and for FY 2025 the cost is \$63,000 (3,000 square feet x 20.77). Lease costs are assumed to increase 3% each year.
11. Section 5 provides for the reimbursement of travel expenses for the commission members. Travel costs are based on the following assumptions: mileage will be paid at the high rate of .655/mile for an estimated 350 miles round trip for a cost of \$229 per hearing; meals for each two-day hearing are estimated at \$53.50 (\$8.50 for lunch and \$14.50 for dinner on each day and \$7.50 for breakfast on the second day); lodging costs are estimated at \$112 for one night (standard rate of \$96 + tax). Estimated total travel for each trip per traveler is \$395 (rounded). This is an estimated average cost of travel as the Judicial Branch recognizes that some travel will be more expensive, and some will be less depending on the distances to be traveled.
12. It is assumed that the commission members will meet four times per year (two times as required by section 4 (3) plus an additional two times to review conduct inquiries). Travel costs for FY 2024 will be \$6,320 (8 commission members x 2 trips x \$395) and for FY 2025 will be \$12,640 (8 commission members x 4 trips x \$395).
13. Sections 8 and 12 provide for the commission to compel the attendance of witnesses and subject physical evidence to forensic and DNA testing as necessary. It is assumed that the commission will incur the costs of these services and tests.
14. It is assumed that the commission will perform two inquiries in FY 2024 and four in each fiscal year thereafter. Each inquiry will incur witness costs estimated at \$3,552 (expert witness fees plus travel), DNA testing of \$2,537 (based on basic Serology plus DNA analysis) and toxicology testing at \$609, for total costs per inquiry of \$6,699. DNA testing and toxicology rates are based on estimates provided by the State Crime Lab. The Judicial Branch recognizes that costs will vary based upon each individual inquiry. As these costs are variable, the Judicial Branch has no way to provide more accurate estimates.
15. Total costs for each fiscal year are as follows:
 - a. FY 2024 = \$252,270 (\$168,562 personal services + \$26,650 one-time startup + \$5,840 operating + \$31,500 office space lease + \$6,320 commission travel + \$13,398 variable inquiry costs).

- b. FY 2025 = \$452,342 (\$338,225 personal services + \$11,680 operating + \$63,000 office space lease + \$12,640 commission travel + \$26,796 variable inquiry costs).
- c. FY 2026 = \$460,072 (\$343,298 personal services + \$11,856 operating + \$64,890 office space lease + \$12,830 commission travel + \$27,198 variable inquiry costs), costs are FY 2025 increased by 1.5% inflation, except for the lease cost, which in increased by 3%.
- d. FY 2027 = \$467,946 (\$348,448 personal services + \$12,034 operating + \$66,837 office space lease + \$13,022 commission travel + \$27,605 variable inquiry costs), costs are FY 2026 increased by 1.5% inflation, except for the lease cost, which in increased by 3%.

	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>
<u>Fiscal Impact:</u>				
FTE	2.00	4.00	4.00	4.00
<u>Expenditures:</u>				
Personal Services	\$168,562	\$338,225	\$343,298	\$348,448
Operating Expenses	\$83,708	\$114,117	\$116,774	\$119,498
TOTAL Expenditures	<u>\$252,270</u>	<u>\$452,342</u>	<u>\$460,072</u>	<u>\$467,946</u>
<u>Funding of Expenditures:</u>				
General Fund (01)	\$252,270	\$452,342	\$460,072	\$467,946
TOTAL Funding of Exp.	<u>\$252,270</u>	<u>\$452,342</u>	<u>\$460,072</u>	<u>\$467,946</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)	(\$252,270)	(\$452,342)	(\$460,072)	(\$467,946)

Sponsor's Initials	Date	 Budget Director's Initials	 Date
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