



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2025 Biennium

**Bill information:**

SB0092 - Eliminate jail penalties for driving while suspended/revoked (Emrich, Daniel )

**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>
<b>Expenditures:</b>				
General Fund - OPD	(\$377,010)	(\$377,010)	(\$382,665)	(\$388,405)
State Special Revenue - MHP	(\$7,938)	(\$7,938)	(\$8,057)	(\$8,178)
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>\$377,010</u>	<u>\$377,010</u>	<u>\$382,665</u>	<u>\$388,405</u>

**Description of fiscal impact:** SB 92 removes jail penalties for a person found guilty of driving a motor vehicle without proof of a statutory exemption for the second time and/or driving during a suspension or revocation period. The Office of Public Defender (OPD) would see less need for attorney time. SB 92 would reduce expenses to the Montana Highway Patrol (MHP) due to less prisoner per diem costs.

### FISCAL ANALYSIS

**Assumptions:****Department of Justice – Montana Highway Patrol (MHP)**

1. The Montana Highway Patrol (MHP) has issued an average of 382 citations for driving while suspended/revoked the last 5 years.
2. MHP assumes that 15% of those citations result in jail time. This would average to 57 citations resulting in jail time each year. (15% \* 382 = 57)

3. In accordance with current statute, the minimum jail time for driving while suspended/revoked is 2 days.
4. The current maximum daily prisoner rate is \$69.63 per HB 2.
5. MHP assumes an annual savings of \$7,938 would be realized. (57 \* 2 days = 114 days)(114 \* \$69.63= \$7,938).
6. A 1.5% inflation factor is applied to FY 2026 and FY 2027.

**Office of Public Defender (OPD)**

7. The Montana Office of Public Defenders (OPD) anticipates a reduction in the amount of time an attorney will spend on these types of matters.
8. OPD assumes 1,770 matters associated with driving under suspension for the second time or more.
9. OPDs current caseloads exceeds the case load capacity of OPDs FTE attorney resulting in OPD relying on contract attorneys to staff the overflow. Any marginal change in OPDs workload would thus manifest in an increase or decrease in contract cost at a rate of \$71 per contract attorney hour.
10. OPD assumes a case weight savings of 3 hours at \$71 per hour (1,770 matters x 3 hours x \$71=\$377,010).
11. A 1.5% inflation factor is applied to FY 2026 and FY 2027.

	<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>
<b><u>Fiscal Impact:</u></b>				
<b><u>Expenditures:</u></b>				
Operating Expenses - MHP	(\$7,938)	(\$7,938)	(\$8,057)	(\$8,178)
Operating Expenses - OPD	(\$377,010)	(\$377,010)	(\$382,665)	(\$388,405)
<b>TOTAL Expenditures</b>	<u>(\$384,948)</u>	<u>(\$384,948)</u>	<u>(\$390,722)</u>	<u>(\$396,583)</u>
<b><u>Funding of Expenditures:</u></b>				
General Fund (01)	(\$377,010)	(\$377,010)	(\$382,665)	(\$388,405)
State Special Revenue (02)	(\$7,938)	(\$7,938)	(\$8,057)	(\$8,178)
<b>TOTAL Funding of Exp.</b>	<u>(\$384,948)</u>	<u>(\$384,948)</u>	<u>(\$390,722)</u>	<u>(\$396,583)</u>
<b><u>Revenues:</u></b>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$0	\$0	\$0	\$0
<b>TOTAL Revenues</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>				
General Fund (01)	\$377,010	\$377,010	\$382,665	\$388,405
State Special Revenue (02)	\$7,938	\$7,938	\$8,057	\$8,178

NO SPONSOR SIGNATURE

Sponsor's Initials	Date	Budget Director's Initials	Date
	1/4/23		1-2-23