



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2025 Biennium

**Bill information:**

HB0743 - Revising laws related to incest (Smith, Laura )

**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>
<b>Expenditures:</b>				
General Fund	\$160,220	\$320,441	\$487,871	\$539,350
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>(\$160,220)</u>	<u>(\$320,441)</u>	<u>(\$487,871)</u>	<u>(\$539,350)</u>

**Description of fiscal impact:** HB 743 revises 45-5-507, MCA, by adding potential victims to the crime of incest, to include “a nephew or niece” to the list of persons with whom one cannot knowingly marry, cohabit with, have sexual intercourse or sexual contact. The bill would be effective upon passage and approval. The Department of Corrections (DoC) anticipates this bill will result in four additional prison commitments per year.

### FISCAL ANALYSIS

**Assumptions:****Department of Corrections (DoC)**

1. This bill does not amend or add any additional sentencing requirements that would impact the length of stay in prison.
2. Using a 3-year average (2020, 2021 and 2022), approximately 14 offenders are convicted each year under the existing statute (45-50-507, MCA).
3. The DoC anticipates an increase of the prison population by 30% of the three-year average, for a total of four offenders per year.
4. The DoC calculated an average prison term for incest cases of 63 years.
5. The DoC calculated the annual cost of a secure care bed at \$40,055 per year.

6. The department assumes a 1.5% inflationary multiplier in 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	\$160,220	\$320,441	\$487,871	\$539,350
<b>TOTAL Expenditures</b>	<u>\$160,220</u>	<u>\$320,441</u>	<u>\$487,871</u>	<u>\$539,350</u>
<b><u>Funding of Expenditures:</u></b>				
General Fund (01)	\$160,220	\$320,441	\$487,871	\$539,350
<b>TOTAL Funding of Exp.</b>	<u>\$160,220</u>	<u>\$320,441</u>	<u>\$487,871</u>	<u>\$539,350</u>
<b><u>Revenues:</u></b>				
General Fund (01)	\$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)	(\$160,220)	(\$320,441)	(\$487,871)	(\$539,350)

Jana Smith      7/27/23  
 Sponsor's Initials      Date

AO      2-27-23  
 Budget Director's Initials      Date