



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:

HB0426 - Revising laws relating to inmates approaching parole eligibility or discharge (Yakawich, Michael)

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	\$219,058	\$213,458	\$216,660	\$219,910
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$219,058)</u>	<u>(\$213,458)</u>	<u>(\$216,660)</u>	<u>(\$219,910)</u>

Description of fiscal impact: HB 426 gives the Department of Corrections' (DoC) authority to release offenders from prison for placement in a treatment or prerelease center prior to their parole eligibility date via a return to the "institutional screening committee." DoC, in collaboration with the Board of Pardons & Parole (BOPP), would identify a process for review of offenders prior to their parole eligibility to determine appropriateness for referral to a community corrections treatment or prerelease center. This new process would require additional staff resources as it would expand the population eligible for screening and referral and necessitate additional victim notification and outreach.

FISCAL ANALYSIS

Assumptions:

- HB 426 amends 53-1-203(1)(c)(i), MCA, to give the DoC the authority to "contract with private, non-profit Montana corporations...to establish and maintain (i) prerelease centers for purposes of preparing inmates of a Montana prison who are within 14 months of parole eligibility or discharge for release into the community." This amendment provides a more clear timeline as to when to consider candidates for a prerelease center.

2. To fulfill the intent of the bill, the department would require 2.00 FTE:
 - a. DoC Compliance Manager – 1.00 FTE within the Rehab & Programs Division for the coordination of the identification, review, and referral of eligible offenders – Salary & Benefits = \$106,729
 - b. BOPP Analyst – 1.00 FTE within BOPP for the final review of eligible offenders – Salary & Benefits = \$106,729
3. The department assumes a 1.5% inflationary multiplier for FY 2026 and FY 2027.
4. The \$2,800 new employee package, which covers a computer and office furniture, is included in operating expenses for both FTE in FY 2024 only.
5. This bill does not expand capacity within the existing prerelease centers, nor does it provide DoC with additional appropriation authority to pay for increased capacity. As most pre-release centers have been operating at or near capacity, the department does not anticipate that this bill would result in additional prerelease costs for the department, however, it may result in longer waiting lists for those facilities.

	<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	2.00	2.00	2.00	2.00
<u>Expenditures:</u>				
Personal Services	\$213,458	\$213,458	\$216,660	\$219,910
Operating Expenses	\$5,600	\$0	\$0	\$0
TOTAL Expenditures	<u><u>\$219,058</u></u>	<u><u>\$213,458</u></u>	<u><u>\$216,660</u></u>	<u><u>\$219,910</u></u>
<u>Funding of Expenditures:</u>				
General Fund (01)	\$219,058	\$213,458	\$216,660	\$219,910
TOTAL Funding of Exp.	<u><u>\$219,058</u></u>	<u><u>\$213,458</u></u>	<u><u>\$216,660</u></u>	<u><u>\$219,910</u></u>
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
TOTAL Revenues	<u><u>\$0</u></u>	<u><u>\$0</u></u>	<u><u>\$0</u></u>	<u><u>\$0</u></u>
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$219,058)	(\$213,458)	(\$216,660)	(\$219,910)

Technical Notes:

1. HB 426 does not specifically grant DoC and BOPP rule-making authority to further define this process, nor does explicitly give authority to move an inmate out of prison prior to the parole eligibility date. The process described in the assumptions above should be documented in administrative rules. An amendment to clarify the process could make clear:
 - a. the DoC and BOPP have rule-making authority to establish the process, and
 - b. the DoC and BOPP has explicit authority to move an inmate out of prison prior to the parole eligibility date.

Mike Yakawich 2-20-23  2-17-23
Sponsor's Initials Date Budget Director's Initials Date