



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:

HB0202 - Revise public safety laws (Stafman, Ed)

Status: As Introduced

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|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> 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	\$28,125	\$5,625	\$0	\$5,794
State Special Revenue	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$28,125)</u>	<u>(\$5,625)</u>	<u>\$0</u>	<u>(\$5,794)</u>

Description of fiscal impact: HB 202 establishes court procedure for obtaining an extreme risk order of protection and ex parte extreme risk order of protection. The bill makes the office of the court administrator (OCA) responsible for developing, preparing, and maintaining instructions, forms, informational brochures, and a court staff handbook on the extreme risk order of protection process.

FISCAL ANALYSIS

Assumptions:

1. Section 2 of the bill creates a new category of protection order and places jurisdiction under the district courts.
2. Section 3 requires a hearing no later than 14 days from receipt of the petition.
3. Section 4, which allows for an ex parte order, requires a hearing within 48 hours of the filing of a petition. If the petition is granted, the court must hold a full hearing within 14 days.

4. Section 6 provides for the respondent to request a hearing to terminate the order one time in every 12-month period that the order is in effect. The hearing must occur no sooner than 14 days and no later than 30 days from the date of the service of the request upon the petitioner.
5. This legislation will increase the number of district court hearings, but the Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of such legislation may over time require additional judicial resources as generally the court dockets are full throughout the state.
6. Section 11 requires the office of the court administrator (OCA) to develop and prepare standardized forms, instructions, informational brochures, and a court staff handbook on the extreme risk order of protection process. The materials must be completed within 90 days of the effective date of this bill for clerks of court to comply with Section 2, part 9.
7. The OCA does not employ an attorney and current staff do not have the necessary skills to produce these legal documents. Therefore, the OCA would contract with an attorney to produce the documents. It is estimated that the hourly rate for the contracted attorney is \$225 per hour.
8. In fiscal year 2024, it is estimated that the contracted attorney would require a minimum of 25 hours to consult with the interested parties required in Section 11, for a cost of \$5,625 (\$225 per attorney hour X 25 hours); this cost would be a one-time only cost.
9. It is estimated that the contract attorney would require 100 hours to develop the materials required in Section 11, for a cost of \$22,500 (\$225 per attorney hour X 100 hours); this cost would be a one-time only cost.
10. The total cost to be included in HB 2 for FY 2024 is \$28,125 (\$5,625 for initial consultation with interested parties plus \$22,500 for development of the materials).
11. Section 11, part 5 requires the OCA to update the instructions, brochures, forms, and court handbook on an ongoing basis. It is assumed that reviews will take place every odd numbered year, after the close of the Legislative Session, to ensure that recent changes to this legislation are considered.
12. It is estimated that the contract attorney would require 25 hours for each subsequent review. As such, this cost would be an ongoing cost and should be included in the base budget for every second year of the biennium. The cost to be included in FY 2025 is \$5,625 (\$225 per attorney hour X 25 hours).
13. The cost to be included in FY 2027 is \$5,794 (25 attorney hours X \$225 per hour X 3% inflation).

Office of Public Defender (OPD)

14. This bill would create two new offenses: a misdemeanor for making a false petition and a felony for possessing a firearm after being prohibited from doing so.
15. 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 changes in OPDs workload, thus, manifest in an increase or decrease in contract cost at a rate of \$71 per contract attorney hour.
16. OPD assumes a case weight of 7 hours at \$71 per hour for the new misdemeanor and 20 hours at \$71 per hour for the new felony.
17. However, because these offenses are for entirely new conduct, OPD does not currently track that conduct and has no ability to predict how many (if any) of such offenses would be filed under this bill.
18. OPD cannot make a specific fiscal note estimation.

Department of Corrections (DoC)

19. Creating a new felony potentially would increase the population at the prisons.
20. The annual cost of incarceration is \$40,055. The number of offenders who would be sentenced to prison for this offense cannot be predicted.

	<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>				
<u>Expenditures:</u>				
Personal Services	\$0	\$0	\$0	\$0
Operating Expenses	\$28,125	\$5,625	\$0	\$5,794
TOTAL Expenditures	<u>\$28,125</u>	<u>\$5,625</u>	<u>\$0</u>	<u>\$5,794</u>

<u>Funding of Expenditures:</u>				
General Fund (01)	\$28,125	\$5,625	\$0	\$5,794
State Special Revenue (02)	\$0	\$0	\$0	\$0
TOTAL Funding of Exp.	<u>\$28,125</u>	<u>\$5,625</u>	<u>\$0</u>	<u>\$5,794</u>

<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$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)	(\$28,125)	(\$5,625)	\$0	(\$5,794)
State Special Revenue (02)	\$0	\$0	\$0	\$0

Effect on County or Other Local Revenues or Expenditures:

1. County clerks of the district court may incur additional costs to develop materials related to community resources as provided for in Section 11 (part 2).

Technical Notes:

1. Section 3, part 4 allows the court to order a mental health or chemical dependency evaluation during the hearing. The evaluation will be paid for by the party, not the court.
2. Section 2, part 6 provides for the OCA to verify terms of any existing orders governing the parties. The OCA has no access to district court filings and therefore cannot verify the filings.
3. Section 9, part 1 provides for the clerk of court to enter any extreme risk order of protection or ex parte extreme risk order of protection into a statewide judicial information system. The Full Court case management system is not a statewide system but is specific to each court.

_____ <i>Sponsor's Initials</i>	_____ <i>Date</i>	 _____ <i>Budget Director's Initials</i>	1-16-23 _____ <i>Date</i>
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