



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:

HB0366 - Increase penalties for passing school buses (Hawk, Donavon)

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	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: HB 366 has no fiscal impact to the state.

FISCAL ANALYSIS

Assumptions:

1. Section 61-8-351, MCA, is amended to increase the violations for passing a school bus that has stopped on the roadway or street to receive or discharge school children and has its flashing red lights operating.
2. Section 61-8-351(9), MCA, amends penalties for a person found to be guilty of violating the law:
 - a. for a first offense, a fine of not less than \$500 or more than \$1,000, a sentence of community service of not less than 50 hours or more than 100 hours, or both
 - b. for a second offense, a fine of not less than \$2,000 or more than \$3,000, a sentence of community service of not less than 100 hours or more than 200 hours, or both; and
 - c. for a third or subsequent offense, a fine of not less than \$5,000 or more than \$10,000, as sentence of imprisonment for a term of not less than 30 days, or both.

Office of the Public Defender (OPD)

3. OPD does not anticipate this increase in penalties as impactful on cases.
4. OPD currently has no means of tracking these cases.
5. OPD may see a slight increase in case hours over a year but does not anticipate that it would be material.

Technical Notes:

Department of Corrections

1. Penalties in the bill can include “imprisonment for a term of not less than 30 days” but the bill does not include a maximum sentence. Terms less than 1 year are served in county jails while terms greater than 1 year would be under the Department of Corrections (DOC). It is assumed that no person would be sentenced to a term greater than 1 year and therefore there would be no fiscal impact to DOC. However, the addition of a maximum sentence would help clarify the statute.

 2-7-22
Sponsor's Initials Date

 2-7-23
Budget Director's Initials Date