



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2025 Biennium

<b>Bill information:</b>	
HB0680 - Generally revise laws related to criminal acts (Seekins-Crowe, Kerri )	
<b>Status:</b>	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	\$80,110	\$160,220	\$162,624	\$165,063
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>(\$80,110)</u>	<u>(\$160,220)</u>	<u>(\$162,624)</u>	<u>(\$165,063)</u>

**Description of fiscal impact:** HB 680 amends several laws related to criminal offenses and creates a new offense for operating an unauthorized unmanned aerial vehicle (UAV) in proximity to a correctional institution. The creation of a new offense could potentially lead to an increase in incarcerations, and the amendments could potentially result in longer sentences. This bill also increases the penalty for assault with a bodily fluid (MCA 45-5-214) by increasing the penalty maximum from one year to three years. These changes would have a fiscal impact on the Department of Corrections (DoC).

### FISCAL ANALYSIS

#### Assumptions:

#### **Department of Corrections**

- HB 680 creates a new offense operating a UAV in proximity to a correctional institution "without the authorization of the correctional institution." The penalty for this offense would be imprisonment in a state prison for not less than one year or more than five years. Based on historical incidents, the department assumes that there would be two convictions per year for this new offense. This fiscal note assumes the mandatory minimum of one year will be served for each conviction.

2. The maximum penalty for assault with a bodily fluid will increase from one year to three years which will have an impact to DoC. Currently, there is an average of two convictions per year with an average length of stay of 10.5 months. This amendment would increase the average length of stay from 10.5 months to two years, but it does not increase conviction rates. As such, the department didn't not calculate new offenses but did account for the lengthened sentences in FY 2025, FY 2026 and FY 2027.
3. The bill also amends the definition of "persistent felony offender" (PFO) in both MCA 46-1-202(18) and MCA 46-18-502, by amending the definition of which offenders can be considered for a PFO sentence. The department does not believe this change will have a fiscal impact.
4. The average daily cost of secure care facilities in Montana is \$109.74, or \$40,055 per year.
5. The department assumes a 1.5% inflationary multiplier in FY 2026 and FY 2027.
1. The Office of Public Defender could receive case assignments for the newly created felony but has no data to determine how many cases they may receive. The fiscal note of each bill is prepared based on the effect of each individual bill. However, when viewed as a package, the cumulative effect of passage of more than one bill would require additional analysis and may require additional resources. OPD may not be able to absorb the work required to defend individuals based upon this legislation.

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<b><u>Fiscal Impact:</u></b>				
<b><u>Expenditures:</u></b>				
Operating Expenses	\$80,110	\$160,220	\$162,624	\$165,063
<b>TOTAL Expenditures</b>	<u>\$80,110</u>	<u>\$160,220</u>	<u>\$162,624</u>	<u>\$165,063</u>
<b><u>Funding of Expenditures:</u></b>				
General Fund (01)	\$80,110	\$160,220	\$162,624	\$165,063
<b>TOTAL Funding of Exp.</b>	<u>\$80,110</u>	<u>\$160,220</u>	<u>\$162,624</u>	<u>\$165,063</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)	(\$80,110)	(\$160,220)	(\$162,624)	(\$165,063)

**Technical Notes:**

1. The language of the bill should be amended to require the authorization of the administrator of the correctional institution.

**NOT SIGNED BY SPONSOR**

_____	_____	_____	_____
<i>Sponsor's Initials</i>	<i>Date</i>	<i>Budget Director's Initials</i>	<i>Date</i>