



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: HB0082: Generally revise laws related to crimes against children

Primary Sponsor: Kathy Love Status: As Introduced

Included in the Executive Budget  Needs to be included in HB 2  Significant Local Gov Impact

Significant Long-Term Impacts  Technical Concerns  Dedicated Revenue Form Attached

### FISCAL SUMMARY

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b>Expenditures</b>				
General Fund (01)	\$100,740	\$201,480	\$306,753	\$415,139
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u>(\$100,740)</u>	<u>(\$201,480)</u>	<u>(\$306,753)</u>	<u>(\$415,139)</u>
<b>General Fund Balance</b>				

### Description of fiscal impact

HB 82 creates new and modifies existing statutes related to felony sex offenses. The new offense and the proposed changes will likely result in an increase to the number of felony convictions, and therefore an increase in the number of persons incarcerated or supervised by the Department of Corrections.

### FISCAL ANALYSIS

#### Assumptions

#### Department of Corrections

- HB 82 creates the new offense of Grooming of Child for Sexual Offense that has three penalty categories (1) for victims over 16, a maximum of 10 years and a maximum fine of \$10,000, (2) for victims 16 or younger, not less than 4 years and not more than 100 years and a maximum fine of \$10,000, and (3) for victims 12 or younger and the offender was 18 or older, a mandatory 100-year sentence with no suspension or deferment for the first 25 years, and a parole restriction for the first 25 years.
- The bill amends 45-5-504, MCA, Indecent Exposure, and 45-5-601, MCA, Prostitution, to include language that makes it an offense towards a minor if the "minor" was actually a law enforcement officer posing as a minor. The penalties for these crimes towards a minor both carry a maximum 100-year sentence and a maximum fine of \$50,000.
- The bill also amends 45-5-625, MCA, Sexual Abuse of Children, by adding language to make it a criminal offense if the "victim" is a law enforcement officer which the offender believes is a child under 16 years of age. The bill also now criminalizes "computer-generated child pornography" and makes it a crime to

threaten to release images of a minor engaging in sexual conduct for the purpose of obtaining additional images, obtaining an item of value or coercing the commission of a crime (subsection j).

4. The bill also amends 45-5-711, MCA, Child Sex Trafficking, by making it a crime to recruit or entice a law enforcement officer whom the offender believes to be a child. The existing penalty is a 100-year prison sentence with a minimum parole restriction of 25 years. Any period of supervision is for life and requires satellite monitoring. This creates a new potential pool of long-term incarcerated offenders or long-term supervised offenders.
5. The department estimates that these statutes will result in an additional three incarcerations per year.
6. The cost of a secure prison placement is estimated at \$92 per day, or \$33,580 per year. The department has applied a 1.5% inflationary factor in FY 2028 and FY 2029.
7. While this bill will likely have an impact on the number of supervised offenders, that impact is not likely to be realized during the time frame reflected on the fiscal note, due to the longer sentence lengths typical of this type of crime.

**Department of Justice (DOJ)**


1. The Department of Justice assumes no fiscal impact as a result of HB 82.
2. DOJ assumes that there could be an increase in cases related to crimes against children but is unable to estimate the potential fiscal impact of those cases.

**Office of the Public Defender (OPD)**

1. OPD assumes that creating a new felony offense and expanding the conduct for which other existing felony offenses can be charged could increase the number of cases to which OPD will be appointed each year.
2. OPD could represent the same three offenders that Department of Corrections assumes above, those offenders may seek private counsel, or OPD may already be representing those clients on lesser charges.
3. Because OPD's FTE staff is already working at capacity, OPD assumes any increase in cases to which OPD is appointed not reflected in assumption 2 would be represented by contract public defenders.

**Fiscal Analysis Table**

<b>Department of Corrections</b>				
	<b>FY 2026 Difference</b>	<b>FY 2027 Difference</b>	<b>FY 2028 Difference</b>	<b>FY 2029 Difference</b>
<b>Fiscal Impact</b>				
<b>Expenditures</b>				
Operating Expenses	\$100,740	\$201,480	\$306,753	\$415,139
<b>TOTAL Expenditures</b>	<b>\$100,740</b>	<b>\$201,480</b>	<b>\$306,753</b>	<b>\$415,139</b>
<b>Funding of Expenditures</b>				
General Fund (01)	\$100,740	\$201,480	\$306,753	\$415,139
<b>TOTAL Funding of Expenditures</b>	<b>\$100,740</b>	<b>\$201,480</b>	<b>\$306,753</b>	<b>\$415,139</b>
<b>Revenues</b>				
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
General Fund (01)	(\$100,740)	(\$201,480)	(\$306,753)	(\$415,139)

  
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 Sponsor's Initials

1/8/25  
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 Date

  
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 Budget Director's Initials

1/7/2025  
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 Date

