

## Fiscal Note 2027 Biennium

Bill#/Title: HB0852.02 (002): Generally revise bailbond laws									
Primary Sponsor:	ary Sponsor: Nelly Nicol		Status:		As Amended in House Committee				
☐ 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									
		FY 2026 Difference	FY 2027 Difference	FY 2028 Difference	FY 2029 Difference				
Expenditures General Fund (0)	1)	\$0	\$0	\$0					
Revenues General Fund (0)	1)	\$0	\$0	\$0	\$0				
Net Impact General Fund B	alance	\$0	\$0	\$0	\$0				

### Description of fiscal impact

HB 852 is an act generally revising laws related to bail bond by revising surety bail bond laws. It has no fiscal impact to the state.

#### FISCAL ANALYSIS

# Assumptions Judiciary

- 1. HB 852 generally revises laws related to bail and surety bail agent's role in ensuring the defendant's appearance in court.
- 2. Section 5 requires the supreme court to collaborate with the attorney general to develop training and education for the Judges of the municipal court, city or justice of the peace, on the statutory framework governing surety appearance bonds.
- 3. Section 11 amends 46-9-311, MCA, to include if a bond is reduced or increased by the court, the surety bail bond insurance producer must be given notice in addition to the opposing party's attorney. If the bond is increased and a new bond is required, the surety bail bondsman may rewrite the bond. On a defendant's surrender, the defendant must be brought before a judge for a redetermination of bond prior to release and the judge may only continue with existing bond if the surety bail bond insurance provider agrees to continue with bond liability.
- 4. Section 13 amends 46-9-503, MCA, to require the court to notify the agent within 10 days after the 90-day forfeiture period expires if the forfeiture remains unpaid. Notification under this section must be served as a notice in a civil action. Also, if a defendant is incarnated in a jurisdiction outside the date or in a tribal jail, the surety bail bond insurance producer may petition the court for issuance of a warrant.

### Fiscal Note Request - As Amended in House Committee

(continued)

5. The additional deadlines and actions imposed by this bill may delay adjudication of other case types. The Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of legislation such as this may eventually require additional judicial resources to avoid further backlog in district court case processing.

## Effect on County or Other Local Revenues or Expenditures MACO

1. It is assumed that the provision for free phone calls to the jail will not require programming costs for phone vendors in county jails.

Mellene			4/7/2025		
Sponsor's Initials	Date	Budget Director's Initials	Date		