

### Fiscal Note 2027 Biennium

Bill#/Title:	SB0296.02 (003)	: Enhance penalty f	or crime agains	t vulnerable person	l.	
Primary Sponsor:	Mike Yakawich			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 SU	JMMARY	ŭ.		
<b></b>		FY 2026 Difference	FY 2027 <u>Difference</u>	FY 2028 Difference	FY 2029 <u>Difference</u>	
Expenditures General Fund (0) Revenues	1)	\$36,115	\$69,695		\$140,962	
General Fund (0) Net Impact	1)	\$0	\$0	\$0	\$0	
General Fund B	alance	(\$36,115)	(\$69,695)	(\$104,824)	(\$140,962)	

#### Description of fiscal impact

SB 296 "Alan's Law" establishes enhanced penalties for a person employed or volunteering at a caregiving facility who is found guilty of an offense against a vulnerable person in that facility. SB 296 adds an additional penalty of a prison term of no less than one year and no more than 10 years, except as provided in 46-18-222, MCA, to run consecutively to the sentence provided for the offense. SB 296 will have a fiscal impact on the Department of Corrections (DoC) and the Office of Public Defender (OPD) as the mandatory minimum of one year cannot be deferred or suspended.

#### FISCAL ANALYSIS

#### Assumptions

#### Department of Corrections (DoC)

- 1. SB 296 "Alan's Law" adds additional penalties to crimes committed by a person employed or volunteering at a caregiving facility who is found guilty of an offense against a vulnerable person in that facility. SB 296 will have a fiscal impact on the DoC as the mandatory minimum of one year cannot be deferred or suspended and it is to run consecutive with the sentence provided for the offense.
- The DoC assumes that there will be one new conviction per year under "Alan's Law" and the sentence will last at least four years.
- 3. Assuming a start date of July 1, 2025, in FY 2026 the total cost would be \$33,580 (\$92/day x 365 days x 1 offender) and in FY 2027 it would be \$67,160 (\$92/day x 365 days x 2 offenders). Assuming an inflationary factor of 1.5%, the cost in FY 2028 would be \$102,251 and in FY 2029 would be \$138,350.

## Department of Public Health and Human Services

4. SB 296, known as Alan's Law, establishes enhanced penalties for individuals convicted of offenses against vulnerable persons in caregiving facilities. As the sentencing of individuals for criminal offenses does not directly impact departmental operations, there is no anticipated fiscal impact.

#### Office of Public Defender (OPD)

# Fiscal Note Request - As Amended in House Committee

(continued)

- Relying upon the Department of Corrections assumption of one additional new felony conviction per year, OPD assumes SB 296 would result in OPD's appointment to at least one additional felony charge per year, assumed to be defended by a contract attorney.
- 6. OPD assumes the total impact of SB 296 would be \$2,535: 1 additional felony times 26 hours times \$97.50 per hour.
- 7. OPD assumes inflation of 1.5% in FY 2028 and in FY 2029.

#### Fiscal Analysis Table

Piscai Alialysis Table					
Department of Corrections					
Fiscal Impact	FY 2026 Difference	FY 2027 Difference	FY 2028 Difference	FY 2029 Difference	
Expenditures					
Operating Expenses	\$33,580	\$67,160	\$102,251	\$138,350	
TOTAL Expenditures	\$33,580	\$67,160	\$102,251	\$138,350	
Funding of Expenditures		9			
General Fund (01)	\$33,580	\$67,160	\$102,251	\$138,350	
TOTAL Funding of Expenditures	\$33,580	\$67,160	\$102,251	\$138,350	
Revenues					
Net Impact to Fund Balance (Rev	enue minus Funding	of Expenditures)			
General Fund (01)	(\$33,580)	(\$67,160)	(\$102,251)	(\$138,350)	

FY 2026 Difference	FY 2027 Difference	FY 2028 Difference	FY 2029 Difference
\$2.535	\$2 535	\$2.572	\$2,612
	Difference \$2,535	Difference Difference	Difference Difference

Fiscal Note Request - As Amended TOTAL Expenditures	\$2,535	\$2,535	\$2,573	(continued)
			Ψ2,575	\$2,012
Funding of Expenditures				
General Fund (01)	\$2,535	\$2,535	\$2,573	\$2,612
TOTAL Funding of	\$2,535	\$2,535	\$2,573	
Expenditures		<del></del>	\$2,373	\$2,612
Revenues				
Net Impact to Fund Balance (Reve	nue minus Funding of	Expenditures)		
General Fund (01)	(\$2,535)	(\$2,535)	(P2 572)	(00 (10)
× **	(+=,000)	(\$2,555)	(\$2,573)	(\$2,612)

STATEWIDE SUMMARY				
Fiscal Impact	FY 2026 <u>Difference</u>	FY 2027 <u>Difference</u>	FY 2028 Difference	FY 2029 Difference
<b>TOTAL Fiscal Impact</b>	0.00	0.00	0.00	0.00
Expenditures				
Operating Expenses TOTAL Expenditures	\$36,115	\$69,695	\$104,824	\$140,962
101AL Expenditures	\$36,115	\$69,695	\$104,824	\$140,962
Funding of Expenditures				
General Fund (01)	\$36,115	\$69,695	\$104,824	\$140,962
TOTAL Funding of Expenditures	\$36,115	\$69,695	\$104,824	\$140,962
Revenues				
TOTAL Revenues	\$0	\$0	\$0	\$0
Net Impact to Fund Balance (Rev	venue minus Funding	of Expenditures)		
General Fund (01)	(\$36,115)	(\$69,695)	(\$104,824)	(\$140,962)

Sponsor's Initials

Date

Budget Director's Initials

3/31/2025

Date