



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: SB0348.01: Revise laws on sexual assault

Primary Sponsor: Jeremy Trebas 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)	\$45,280	\$78,860	\$114,127	\$150,434
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u>(\$45,280)</u>	<u>(\$78,860)</u>	<u>(\$114,127)</u>	<u>(\$150,434)</u>
<b>General Fund Balance</b>				

### Description of fiscal impact

SB 348 revises the penalties for Sexual Assault, contained in 45-5-502, MCA, raising the maximum fines from \$500 to \$1,000 and increasing maximum jail time from 6 months to 1 year for first time offenders. A second conviction moves from a misdemeanor offense to a felony and raises the maximum fine from \$1,000 to \$5,000, increases maximum incarceration time in a prison from 1 year to 5 years, and adds this offense to (10)(xvii) requiring the offender to register as a sexual offender. The third conviction increases the maximum prison term from 5 years to 10 years. SB 348 will increase the number of offenders imprisoned or on supervision and will have a fiscal impact on the Department of Corrections (DoC).

### FISCAL ANALYSIS

#### Assumptions

#### Department of Corrections (DoC)

- SB 348 revises penalties for Sexual Assault (45-5-502, MCA). This statute changes the 2nd offense from a misdemeanor to a felony and increasing maximum sentences from 1 year to 5 years as well as requiring second time offenders to register as a sexual offender. SB 348 also increases maximum prison sentence for a third or subsequent offense from 5 years to 10 years.
- The DoC assumes that there will be one new conviction sentenced to prison each year, with an average length of stay of at least four years.
- In FY 2026, the cost would be \$33,580 (1 offender x \$92 per day x 365 days). In FY 2027 it would be \$67,160 (2 offenders x \$92 per day x 365 days).
- Assuming a 1.5 % inflationary factor, FY 2028 would be \$102,251 and FY 2029 would be \$138,380.

#### Judiciary

- SB 348 revises the penalty for a second conviction of sexual assault by increasing the maximum fine from \$1,000 to \$5,000 and the maximum jail term from one year in a county jail to five years. This change

makes the penalty a felony rather than a misdemeanor, which means second offenses will move to the jurisdiction of district courts rather than courts of limited jurisdiction.

- The number of district court criminal cases will increase as a result of this legislation; however, the Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of legislation creating new criminal offenses may over time require additional judicial resources because district court dockets are generally full throughout the state.

**Office of Public Defender (OPD)**

- OPD assumes that SB 348's elevating of second offense Sexual Assaults from misdemeanors to felonies would increase the case weight hours by 40 hours (from 10 to 50 hours) for matters in which the controlling (most serious) charge for case weight purposes is a second offense Sexual Assault.
- Based on FY 2024, OPD assumes it will be appointed to 3 second offense Sexual Assaults per year in which the second offense Sexual Assault charge is the most serious and, thus, the controlling charge for assigning case weight.
- OPD assumes no increase in case weight for those cases that contain a second offense Sexual Assault in addition to some other charge that already has a case weight of at least 50 hours, such as Incest or Sexual Intercourse without Consent.
- OPD also assumes no increase in case weight hours for the increased maximum sentences for first and third offense Sexual Assaults as first offenses would remain misdemeanors and third offenses are already felonies.
- OPD assumes SB 348's inclusion of second offense Sexual Assault within the definition of "sexual offense" (thereby requiring those convicted to register as sexual offenders) would increase the number of people required to register and, thus, would eventually slightly increase the number of people who are charged with Failure to Register, but OPD is unable to determine how many or when such increases would be seen.
- Because OPD's FTE staff is already working at capacity, OPD assumes any increase in the work to which OPD is appointed would be handled by contract public defenders.
- OPD assumes the cost of representation by contract public defenders would be \$97.50 per hour (\$90 per hour professional services rate plus average travel expenses of \$7.50 per case hour).
- OPD, therefore, assumes the annual impact of SB 348 on OPD would be \$11,700 per year: 3 cases per year in which felony, second offense Sexual Assault would be the most serious charge times 40 additional hours per such case times \$97.50 per hour.
- OPD assumes an inflation rate of 1.5% in FY 2028 and FY 2029.

**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>				
Personal Services	\$33,580	\$67,160	\$102,251	\$138,380
<b>TOTAL Expenditures</b>	<b>\$33,580</b>	<b>\$67,160</b>	<b>\$102,251</b>	<b>\$138,380</b>
<b>Funding of Expenditures</b>				
General Fund (01)	\$33,580	\$67,160	\$102,251	\$138,380
<b>TOTAL Funding of Expenditures</b>	<b>\$33,580</b>	<b>\$67,160</b>	<b>\$102,251</b>	<b>\$138,380</b>
<b>Revenues</b>				
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
General Fund (01)	(\$33,580)	(\$67,160)	(\$102,251)	(\$138,380)

**Public Defender**

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b>Fiscal Impact</b>				
<b>Expenditures</b>				
Operating Expenses	\$11,700	\$11,700	\$11,876	\$12,054
<b>TOTAL Expenditures</b>	<u>\$11,700</u>	<u>\$11,700</u>	<u>\$11,876</u>	<u>\$12,054</u>
<b>Funding of Expenditures</b>				
General Fund (01)	\$11,700	\$11,700	\$11,876	\$12,054
<b>TOTAL Funding of Expenditures</b>	<u>\$11,700</u>	<u>\$11,700</u>	<u>\$11,876</u>	<u>\$12,054</u>
<b>Revenues</b>				
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
General Fund (01)	<u>(\$11,700)</u>	<u>(\$11,700)</u>	<u>(\$11,876)</u>	<u>(\$12,054)</u>

**STATEWIDE SUMMARY**

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b>Fiscal Impact</b>				
<b>TOTAL Fiscal Impact</b>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>Expenditures</b>				
Personal Services	\$33,580	\$67,160	\$102,251	\$138,380
Operating Expenses	\$11,700	\$11,700	\$11,876	\$12,054
<b>TOTAL Expenditures</b>	<u>\$45,280</u>	<u>\$78,860</u>	<u>\$114,127</u>	<u>\$150,434</u>
<b>Funding of Expenditures</b>				
General Fund (01)	\$45,280	\$78,860	\$114,127	\$150,434
<b>TOTAL Funding of Expenditures</b>	<u>\$45,280</u>	<u>\$78,860</u>	<u>\$114,127</u>	<u>\$150,434</u>
<b>Revenues</b>				
<b>TOTAL Revenues</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
General Fund (01)	<u>(\$45,280)</u>	<u>(\$78,860)</u>	<u>(\$114,127)</u>	<u>(\$150,434)</u>

JRT  
Sponsor's Initials

2-26-25  
Date

  
Budget Director's Initials

2/26/2025  
Date