



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: SB0491.01: Generally revise laws related to sexual assault kits

Primary Sponsor: Bob Phalen 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</u><br><u>Difference</u> | <u>FY 2027</u><br><u>Difference</u> | <u>FY 2028</u><br><u>Difference</u> | <u>FY 2029</u><br><u>Difference</u> |
|-----------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| <b>Expenditures</b>         |                                     |                                     |                                     |                                     |
| General Fund (01)           | \$0                                 | \$0                                 | \$0                                 | \$0                                 |
| State Special Revenue (02)  | \$375,000                           | \$375,000                           | \$375,000                           | \$375,000                           |
| <b>Revenues</b>             |                                     |                                     |                                     |                                     |
| General Fund (01)           | (\$375,000)                         | (\$375,000)                         | (\$375,000)                         | (\$375,000)                         |
| State Special Revenue (02)  | \$375,000                           | \$375,000                           | \$375,000                           | \$375,000                           |
| <b>Net Impact</b>           | <u>(\$375,000)</u>                  | <u>(\$375,000)</u>                  | <u>(\$375,000)</u>                  | <u>(\$375,000)</u>                  |
| <b>General Fund Balance</b> |                                     |                                     |                                     |                                     |

### Description of fiscal impact

SB 491 adds a distribution of \$375,000 per year to the sexual assault medical forensic examination fund from the marijuana state special revenue account. As a result, the general fund revenue distribution out of the marijuana state special revenue account will decrease by \$375,000 each year beginning with FY 2026.

### FISCAL ANALYSIS

#### Assumptions

#### Department of Justice

1. With an appropriation of \$375,000 per year and at a maximum reimbursement rate of \$800 per exam, the Department of Justice (DOJ) could reimburse medical facilities for 468 exams per year.
2. According to data in the Montana Sexual Assault Kit Track System administered by Office of Victims Services (OVS), 402 sexual assault evidence kits were collected for victims in Montana in 2024: a 14% increase over 2023. DOJ does not have data for the number of exams conducted in which a sexual assault evidence kit is not collected.
3. Currently, the OVS Forensic Rape Examination Payment Program reimburses medical facilities for the collection of sexual assault evidence kits during sexual assault medical forensic exams that are not reported to law enforcement. OVS does not have a dedicated budget for payment of these exams and pays for them out of other state funds appropriated. In FY 2024, OVS paid medical facilities \$45,600 for 85 exams not reported to law enforcement. In Fiscal Year 2025, as of 2/27/25, OVS has paid medical facilities \$32,400 for 54 exams not reported to law enforcement.
4. SB 491 would increase the number of reimbursements OVS would process to more than 400 per year. As written, SB 491, *does not* allow DOJ to use monies in the new fund to acquire an electronic system to receive invoices and pertinent treatment records in a consistent, efficient, and secure manner nor does it include an

FTE to manage the increased reimbursement processing in lieu of an electronic system. Without such allowance, the administrative burden significantly increases to process reimbursements.

5. As written, SB 491 does not allow the use of the sexual assault medical forensic examination fund for the purchase and distribution of sexual assault evidence kits. OVS would continue to pay for the kits and their distribution out of other state funds appropriated to CVC at the expense of reimbursing crime victims for crime-related expenses. In Fiscal Years 2024 and 2025, this will amount to more than \$10,000 per year.
6. The proposed maximum exam reimbursement rate is below the average (\$2,090) and median (\$1,093) cost of sexual assault medical forensic examinations based on OVS analysis of invoices received for exams not reported to law enforcement between 2023 and February 2025.
7. The maximum rate or cap other states pay for sexual assault medical forensic examinations is \$1,355 on average according to a 2024 U.S. Government Accountability Office report; the median is \$1,030.

**Department of Revenue**

8. SB 491 revises the distribution of revenue from the marijuana state special revenue account. The bill adds a distribution of \$375,000 per year to the sexual assault medical forensic examination fund established in this bill.
9. The distribution added by this bill occurs after the distributions to the other state special revenue accounts, prior to the distribution to the general fund of the remaining revenue. Therefore, assuming sufficient revenue collections, as are projected in HJ 2, this bill would reduce general fund revenue by \$375,000 each year and not impact other state special revenue account distributions.
10. The bill would be effective October 1, 2025, so this distribution would begin in FY 2026.
11. The Department of Revenue would be able to make this change to the distribution each year without significant additional costs.

**Fiscal Analysis Table**

| <b>Department of Justice</b>   |                               |                               |                               |                               |
|--|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
|  | <b>FY 2026<br/>Difference</b> | <b>FY 2027<br/>Difference</b> | <b>FY 2028<br/>Difference</b> | <b>FY 2029<br/>Difference</b> |
| <b><u>Fiscal Impact</u></b>  |                               |                               |                               |                               |
| <b><u>Expenditures</u></b>   |                               |                               |                               |                               |
| Operating Expenses   | \$375,000                     | \$375,000                     | \$375,000                     | \$375,000                     |
| <b>TOTAL Expenditures</b>  | <b>\$375,000</b>              | <b>\$375,000</b>              | <b>\$375,000</b>              | <b>\$375,000</b>              |
| <b><u>Funding of Expenditures</u></b>  |                               |                               |                               |                               |
| State Special Revenue (02)   | \$375,000                     | \$375,000                     | \$375,000                     | \$375,000                     |
| <b>TOTAL Funding of Expenditures</b>   | <b>\$375,000</b>              | <b>\$375,000</b>              | <b>\$375,000</b>              | <b>\$375,000</b>              |
| <b><u>Revenues</u></b>   |                               |                               |                               |                               |
| <b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b> |                               |                               |                               |                               |
| State Special Revenue (02)   | (\$375,000)                   | (\$375,000)                   | (\$375,000)                   | (\$375,000)                   |

| <b>Department of Revenue</b>          |                               |                               |                               |                               |
|---------------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
|                                       | <b>FY 2026<br/>Difference</b> | <b>FY 2027<br/>Difference</b> | <b>FY 2028<br/>Difference</b> | <b>FY 2029<br/>Difference</b> |
| <b><u>Fiscal Impact</u></b>           |                               |                               |                               |                               |
| <b><u>Expenditures</u></b>            |                               |                               |                               |                               |
| <b><u>Funding of Expenditures</u></b> |                               |                               |                               |                               |
| <b><u>Revenues</u></b>                |                               |                               |                               |                               |
| General Fund (01)                     | (\$375,000)                   | (\$375,000)                   | (\$375,000)                   | (\$375,000)                   |
| State Special Revenue (02)            | \$375,000                     | \$375,000                     | \$375,000                     | \$375,000                     |

**Fiscal Note Request - As Introduced**

(continued)

|   |             |             |             |             |
|---|-------------|-------------|-------------|-------------|
| <b>TOTAL Revenues</b>   | <b>\$0</b>  | <b>\$0</b>  | <b>\$0</b>  | <b>\$0</b>  |
| <b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b> |             |             |             |             |
| General Fund (01)   | (\$375,000) | (\$375,000) | (\$375,000) | (\$375,000) |
| State Special Revenue (02)  | \$375,000   | \$375,000   | \$375,000   | \$375,000   |

**STATEWIDE SUMMARY**

|   | <u>FY 2026<br/>Difference</u> | <u>FY 2027<br/>Difference</u> | <u>FY 2028<br/>Difference</u> | <u>FY 2029<br/>Difference</u> |
|---|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| <b>Fiscal Impact</b>  |                               |                               |                               |                               |
| <b>TOTAL Fiscal Impact</b>  | <b>0.00</b>                   | <b>0.00</b>                   | <b>0.00</b>                   | <b>0.00</b>                   |
| <b>Expenditures</b>   |                               |                               |                               |                               |
| Operating Expenses  | \$375,000                     | \$375,000                     | \$375,000                     | \$375,000                     |
| <b>TOTAL Expenditures</b>   | <b>\$375,000</b>              | <b>\$375,000</b>              | <b>\$375,000</b>              | <b>\$375,000</b>              |
| <b>Funding of Expenditures</b>  |                               |                               |                               |                               |
| State Special Revenue (02)  | \$375,000                     | \$375,000                     | \$375,000                     | \$375,000                     |
| <b>TOTAL Funding of Expenditures</b>                                      | <b>\$375,000</b>              | <b>\$375,000</b>              | <b>\$375,000</b>              | <b>\$375,000</b>              |
| <b>Revenues</b>   |                               |                               |                               |                               |
| General Fund (01)   | (\$375,000)                   | (\$375,000)                   | (\$375,000)                   | (\$375,000)                   |
| State Special Revenue (02)  | \$375,000                     | \$375,000                     | \$375,000                     | \$375,000                     |
| <b>TOTAL Revenues</b>   | <b>\$0</b>                    | <b>\$0</b>                    | <b>\$0</b>                    | <b>\$0</b>                    |
| <b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b> |                               |                               |                               |                               |
| State Special Revenue (02)  | \$0                           | \$0                           | \$0                           | \$0                           |
| General Fund (01)   | (\$375,000)                   | (\$375,000)                   | (\$375,000)                   | (\$375,000)                   |

**Effect on County or Other Local Revenues or Expenditures**

Local law enforcement agencies would incur savings as they would no longer be required to pay the cost of sexual assault forensic examinations.

**NO SPONSOR SIGNATURE**

Sponsor's Initials

Date

3/3

Budget Director's Initials

Date



3/3/2025



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Dedication of Revenue 2027 Biennium

17-1-507, MCA.

1. Are there persons or entities that benefit from this dedicated revenue that do not pay?

*Yes*

Marijuana tax revenue is directed to an account to be used for the payment of sexual assault medical examinations.

2. What special information or other advantages exist as a result of using a state special revenue fund that could not be obtained if the revenue were allocated to the general fund?

*No*

The examinations could be paid for and accounted for in the general fund.

3. Is the source of revenue relevant to current use of the funds and adequate to fund the program activity that is intended?

*No*

The source of revenue is not directly relevant to the use of the funds. At the current time it appears to be sufficient, however it is unknown if it would be sufficient in the future since the transfer of revenue does not increase over time.

4. Does the need for this state special revenue provision still exist?

*Yes*

If SB 491 is passed and it approved, it directs the revenue to the state special revenue account.

5. Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending?

*No*

No. The legislature could examine the use of the funds in the state special revenue account at any time.

**6. Does the dedicated revenue fulfill a continuing, legislatively recognized need?**

*No*

Yes. Existing statute provides for the sexual assault examinations. SB 491 just moves the responsibility for paying for the examinations from local law enforcement to the Department of Justice.

**7. How does the dedicated revenue provision result in accounting/auditing efficiencies or inefficiencies in your agency? Also, if the program/activity were general funded, could you adequately account for the program/activity?**

*No*

The expenditures could be properly accounted for either in the general fund or the state special revenue account.