



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: HB0743.01: Create reporting requirements for elder exploitation

Primary Sponsor: Bill Mercer 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)	\$32,889	\$30,180	\$30,627	\$30,444
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u>(\$32,889)</u>	<u>(\$30,180)</u>	<u>(\$30,627)</u>	<u>(\$30,444)</u>
<b>General Fund Balance</b>				

#### Description of fiscal impact

HB 743 establishes reporting requirements related to allegations of exploitation of an incapacitated person or vulnerable adult by each county attorney and the department of public health and human services to the attorney general.

### FISCAL ANALYSIS

#### Assumptions

##### Department of Public Health and Human Services (department)

1. The department's Adult Protective Services (APS) Bureau within Senior and Long-Term Care Division (SLTC) refers approximately 100 cases annually of exploitation to county attorneys' offices.
2. The department estimates hiring a .50 FTE administrative support staff person to monitor communication and reporting requirements of exploitation cases as required in Section 2(2).
3. Operating costs associated with the new FTE are estimated 3% of personal services costs.
4. One-time computer equipment and office furniture in FY 2026 is estimated at \$2,800.
5. Funding for the administrative support FTE would be 100% general fund.
6. The department assumes the fiscal impact of Section 1 is de-minimis and will be absorbed by the department.

##### Legislative Branch

1. Section 1. (4) of HB 743 requires the attorney general to report to the law and justice interim committee each year by September 1 in accordance with 5-11-210, MCA, which is part of normal duties of the law and justice interim committee.
2. Section 2. (1) of HB 743 requires that by September 15 of each even-numbered year, the department shall report to the attorney general and the law and justice interim committee in accordance with 5-11-210, MCA, which is part of normal duties of the law and justice interim committee.
3. The additional duties added to the Legislative Branch in HB 743 will be absorbed within existing budget.

4. It is unknown how many bills are seeking to add to the duties of the Legislative Branch. The fiscal note of each bill is prepared based on the effect of each individual bill. However, when viewed as a package, the cumulative effect of passage of more than one bill would require additional analysis and may require additional resources for staffing and information technology support.

**Department of Justice**

1. HB 743 does not create any specific new duties or obligations for the Division of Criminal Investigation (DCI), nor does it create any new crimes that are not already in place.
2. HB 743 clarifies the definition of elder "abuse" to make it align with the concept of "assault" that will not have a fiscal impact on the DCI.
3. It is assumed that reporting requirements could be covered within existing resources.

**Fiscal Analysis Table****Department of Public Health and Human Services**

	<b><u>FY 2026 Difference</u></b>	<b><u>FY 2027 Difference</u></b>	<b><u>FY 2028 Difference</u></b>	<b><u>FY 2029 Difference</u></b>
<b><u>Fiscal Impact</u></b>				
<b><u>Expenditures</u></b>				
Personal Services	\$29,213	\$29,301	\$29,735	\$29,557
Operating Expenses	\$3,676	\$879	\$892	\$887
<b>TOTAL Expenditures</b>	<b><u>\$32,889</u></b>	<b><u>\$30,180</u></b>	<b><u>\$30,627</u></b>	<b><u>\$30,444</u></b>
<b><u>Funding of Expenditures</u></b>				
General Fund (01)	\$32,889	\$30,180	\$30,627	\$30,444
<b>TOTAL Funding of Expenditures</b>	<b><u>\$32,889</u></b>	<b><u>\$30,180</u></b>	<b><u>\$30,627</u></b>	<b><u>\$30,444</u></b>
<b><u>Revenues</u></b>				
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b>				
General Fund (01)	<u>(\$32,889)</u>	<u>(\$30,180)</u>	<u>(\$30,627)</u>	<u>(\$30,444)</u>

**Technical Concerns****Department of Public Health and Human Services**

1. Section 2 (2) of the bill directs the department to advise the attorney general to prosecute cases of exploitation of an incapacitated person or vulnerable adult if the case is not pursued. Currently, county attorney offices do not share investigative findings with APS, hindering APS ability to accurately evaluate prosecutorial decisions.
2. APS involvement in exploitation cases is typically limited to a 60-day period or less, while the statute of limitations for prosecution under 45-6-333 extends to five years.
3. APS is a civil investigative agency, and Section 2 (2) of the bill would require APS to assess criminal investigation outcomes, a function beyond APS purview.
4. APS currently refers all cases with suspected violations of 45-6-333 to County Attorneys or the respective law enforcement jurisdiction for potential prosecution.



Sponsor's Initials

3/3/25

Date



Budget Director's Initials

3/3/2025

Date