



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: HB0446.01: Revise indecent exposure laws

Primary Sponsor: Jedediah Hinkle

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> |
|-----------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Expenditures | | | | |
| General Fund (01) | \$0 | \$0 | \$0 | \$0 |
| Revenues | | | | |
| General Fund (01) | \$0 | \$0 | \$0 | \$0 |
| Net Impact | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| General Fund Balance | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

Description of fiscal impact

HB 446 would revise indecent exposure laws. No fiscal impact is anticipated for the state.

FISCAL ANALYSIS

Assumptions

Department of Corrections

1. HB 446 amends the existing cause of action for indecent exposure to include exposures of genitals or intimate parts in order to "violate the dignity of" another person. HB 446 creates a new cause of action for "indecent exposure in a public place."
2. The department assumes that charges to be brought under this statute are currently being charged under existing statutes. As a result, the department does not anticipate a fiscal impact during the timeframe reflected on the fiscal note.

Department of Justice

3. The Montana Highway Patrol wrote two citations under 45-5-504, MCA, in calendar years 2023 and 2024. It is assumed that citations written by MHP would not increase as a result of HB 446.
4. Currently, most of the indecent exposure cases are misdemeanors and the Prosecution Services and Appellate Services Bureaus do not handle misdemeanor cases.

Judiciary

5. On a third or subsequent conviction of the offense of indecent exposure in a public place, the person may be imprisoned in a state prison for a term of not more than 10 years.
6. This section of this legislation may increase District Court workload but the Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of any legislation creating new offenses may over time require additional judicial resources because court dockets are generally full throughout the state.

Office of Public Defender

7. The office assumes that charges to be brought under this statute are currently being charged under existing statutes. As a result, the office does not anticipate a fiscal impact during the timeframe reflected on the fiscal note. However, to the extent cases change from misdemeanor to felony charges, there will be an unpredictable impact to the office.


Sponsor's Initials

2/18/2025
Date


Budget Director's Initials

2/17/2025
Date