



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: **SB0296.01: Enhance penalty for crime against vulnerable person**

Primary Sponsor: **Mike Yakawich**

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**

	<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>Expenditures</b>				
General Fund (01)	\$33,580	\$67,160	\$102,251	\$138,350
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u>(\$33,580)</u>	<u>(\$67,160)</u>	<u>(\$102,251)</u>	<u>(\$138,350)</u>
<b>General Fund Balance</b>				

### **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) 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.
2. 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.

**Public Defender (OPD)**

5. OPD assumes that by providing for an up to 10-year additional sentence, SB 296 would convert misdemeanor offenses (such as misdemeanor Theft or misdemeanor Assault) into felony-level offenses when those offenses are alleged to be committed against vulnerable persons.
6. OPD assumes that across all such offenses, this change from misdemeanor to felony charges would result in an increase of 13 case weight hours per misdemeanor enhanced to a felony in this way.
7. OPD assumes no case weight increase for offenses against vulnerable persons that are already felonies under existing law.
8. Because OPD's FTE staff is already working at capacity, OPD assumes any increase in cases to which OPD is appointed would be represented by contract public defenders.
9. 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).
10. OPD assumes the total impact of this bill on OPD would be the number of newly filed cases enhanced from misdemeanors to felonies (unknown) times 13 hours per case times \$97.50 per hour.
11. Unfortunately, OPD has no data tracking whether the alleged victims of offenses are vulnerable persons as defined in SB 296 and cannot determine the number of misdemeanor offenses that would be enhanced to felonies under SB 296.
12. OPD, therefore, assumes no fiscal impact.

**Fiscal Analysis Table**

<b>Department of Corrections</b>				
	<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>				
Operating Expenses	\$33,580	\$67,160	\$102,251	\$138,350
<b>TOTAL Expenditures</b>	<b>\$33,580</b>	<b>\$67,160</b>	<b>\$102,251</b>	<b>\$138,350</b>
<b><u>Funding of Expenditures</u></b>				
General Fund (01)	\$33,580	\$67,160	\$102,251	\$138,350
<b>TOTAL Funding of Expenditures</b>	<b>\$33,580</b>	<b>\$67,160</b>	<b>\$102,251</b>	<b>\$138,350</b>
<b><u>Revenues</u></b>				
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b>				
General Fund (01)	(\$33,580)	(\$67,160)	(\$102,251)	(\$138,350)

*Mike Yakawind* 2-21-25  
 Sponsor's Initials Date

*RD*  
 Budget Director's Initials

2/21/2025  
 Date