



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: HB0287: Generally revise laws related to dangerous drugs

Primary Sponsor: Denise Baum 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> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>	<u>FY 2028</u> <u>Difference</u>	<u>FY 2029</u> <u>Difference</u>
<b>Expenditures</b>				
General Fund (01)	\$100,740	\$402,960	\$409,004	\$415,140
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u>(\$100,740)</u>	<u>(\$402,960)</u>	<u>(\$409,004)</u>	<u>(\$415,140)</u>
<b>General Fund Balance</b>				

### **Description of fiscal impact**

HB 287 amends 45-9-101, MCA, criminal distribution of dangerous drugs, by creating a penalty enhancement for knowingly possessing, or using a firearm or other dangerous weapon during the commission of the offense. HB 287 also amends 45-9-103, MCA, criminal possession with intent to distribute, by increasing the penalty upon conviction, with a similar penalty enhancement for knowingly possessing, or using a firearm or other dangerous weapon during the commission of the offense. The passage of HB 287 could have a fiscal impact on the Department of Corrections (DoC) by increasing the length of prison or probationary sentences for certain drug-related offenses.

### **FISCAL ANALYSIS**

#### **Assumptions**

#### **Department of Corrections (DoC)**

1. HB 287 adds a penalty enhancement to criminal distribution of dangerous drugs and criminal possession with intent to distribute if the offender is in possession of a dangerous weapon during the commission of those crimes. It would require a mandatory minimum two-year sentence for the possession of a dangerous weapon, in addition to the sentence for the underlying crime.
2. The department assumes this will increase the number of offenders incarcerated in a secure care facility.
3. Using a 4-year average (2021, 2022, 2023 and 2024), approximately 19 offenders were charged under these statutes who did not serve prison time. DoC assumes 30% of these convictions, or 6 offenders, would be assessed the enhanced penalty and serve the minimum of 2 years in prison each year.
4. The department assumes that those sentences will begin 6 months after the start of the fiscal year, on January 1, 2025.
5. The department is estimating the cost of incarceration at \$92 per day, or \$33,580 per year.
6. The department assumes a 1.5% inflationary multiplier in FY 2028 and FY 2029.

**Office of Public Defender (OPD)**

7. OPD assumes the potential increase in sentence length that HB 287 would allow would not increase the OPD's overall case weight for these drug offenses.
8. OPD also has no information as to how many individual cases would be factually eligible for these enhanced sentences.
9. OPD assumes no fiscal impact based upon these considerations.

**Fiscal Analysis Table****Department of Corrections**

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b><u>Fiscal Impact</u></b>				
<b><u>Expenditures</u></b>				
Operating Expenses	\$100,740	\$402,960	\$409,004	\$415,140
<b>TOTAL Expenditures</b>	<b>\$100,740</b>	<b>\$402,960</b>	<b>\$409,004</b>	<b>\$415,140</b>
<b><u>Funding of Expenditures</u></b>				
General Fund (01)	\$100,740	\$402,960	\$409,004	\$415,140
<b>TOTAL Funding of Expenditures</b>	<b>\$100,740</b>	<b>\$402,960</b>	<b>\$409,004</b>	<b>\$415,140</b>
<b><u>Revenues</u></b>				
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b>				
General Fund (01)	(\$100,740)	(\$402,960)	(\$409,004)	(\$415,140)

  
 Sponsor's Initials

01-28-25  
 Date

  
 Budget Director's Initials

1/28/2025  
 Date