



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: HB0174: Revise laws related to drug assault crimes

Primary Sponsor: Neil Duram

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

### Description of fiscal impact

#### Public Defender

HB 174 expands the definition of misdemeanor assault to include providing individuals with scheduled drugs or alcohol without their consent. The Office of Public Defender is unable to estimate the cost of this bill due to lack of historic data. There is not fiscal impact to the Department of Justice or the Department of Corrections.

### FISCAL ANALYSIS

#### Assumptions

#### Department of Justice (DOJ)

1. Given there are only language changes to this bill and no changes that will affect DOJ revenues and/or expenditures, there is no fiscal impact to Department of Justice.

#### Department of Corrections (DoC)

2. HB 174 creates a new misdemeanor penalty. Since it is a misdemeanor offense, there is no fiscal impact to the Department of Corrections (DoC).

#### Public Defender (OPD)

3. OPD assumes that expanding the definition of misdemeanor assault to include providing individuals with scheduled drugs or alcohol without their consent would increase the number of such cases to which OPD is appointed each year.
4. Because OPD has no historical data regarding conduct that is not presently included in misdemeanor assault but that would become an offense under this bill, OPD has no ability to predict how many such new charges would result from this bill.
5. OPD assumes any such new misdemeanor assault charges would have a case weight of 7 hours per matter.

6. Because OPD's FTE staff is already working at capacity, OPD assumes any increase in the cases to which OPD is appointed would be represented by contract public defenders.
7. OPD assumes the estimated 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).
8. OPD assumes the total impact of this bill on OPD would be a number of new misdemeanor assault cases filed (unknown) times 7 hours per new case times \$97.50 per hour (\$682.50 per case). No estimate of net fiscal impact can be made, based on insufficient data.

HD1  
JW H. Brown  
Sponsor's Initials

JAN 20 2025  
Date

RD  
Budget Director's Initials

1/17/2025  
Date