



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: HB0852.01: Generally revise bailbond laws

Primary Sponsor: Nelly Nicol 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>
Expenditures				
General Fund (01)	\$4,878	\$4,878	\$4,878	\$4,878
Revenues				
General Fund (01)	\$0	\$0	\$0	\$0
Net Impact	<u>(\$4,878)</u>	<u>(\$4,878)</u>	<u>(\$4,878)</u>	<u>(\$4,878)</u>
General Fund Balance				

Description of fiscal impact

HB 852 seeks to provide greater protections for companies providing bail bonds. HB 852 creates a requirement that bail bond companies must have a physical presence in the geographical area they are serving. It also provides that detention center inmates must be allowed to speak on the telephone with their licensed bail bond insurance provider, without charge, as often as reasonably necessary. Finally, it establishes a detailed rulebook for how courts must handle bonds, both when the defendant has a bond within that court's jurisdiction and outside of the court's jurisdiction.

FISCAL ANALYSIS

Assumptions

Department of Justice

1. Bill 852 does not apply to the Prosecution Services, Office of Consumer Protection, Civil Services, Montana Highway Patrol or the Appellate Service Bureaus; no fiscal impact to the Department of Justice.

MACO

1. Assumes the provision for free phone calls to the jail will not require programming costs for phone vendors in county jails.

State Auditor's Office

1. HB 852 applies to Criminal Procedure in Title 46, Chapter 9. This bill has no fiscal impact on the State Auditor's Office.

Department of Corrections

1. HB 852 does not appear to establish any new crimes. It also only involves interactions between courts and bail bond insurers creating a requirement that bail bond companies must have a physical presence in the geographical area they are serving.
2. It also provides that detention center inmates must be allowed to speak on the telephone with their licensed bail bond insurance provider, without charge, as often as reasonably necessary.

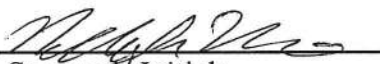
3. Finally, it establishes a detailed rulebook for how courts must handle bonds, both when the defendant has a bond within that court's jurisdiction and outside of the court's jurisdiction. This will likely be information Probation and Parole officers will need to be trained on but should not have a significant fiscal impact to the Department of Corrections.

Judiciary

1. HB 852 generally revises laws related to bail and surety bail agent's role in ensuring the defendant's appearance in court.
2. Section 19 of HB 852 allows a surety bail bond insurance producer to apply for access to court records across jurisdictions within the state.
3. Having access to the system requires the purchase of a Active Directory license at \$2.71 per person per month.
4. Using the estimation of 50 bail bond companies in the state with 3 employees each would equal approximately 150 licenses per month.
5. 150 x 12 months x \$2.71 would equal the costs of approximately \$4,878.00 each year to the Judicial Branch.

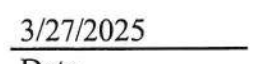
Fiscal Analysis Table

Judiciary				
	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
	<u>Difference</u>	<u>Difference</u>	<u>Difference</u>	<u>Difference</u>
<u>Fiscal Impact</u>				
<u>Expenditures</u>				
Operating Expenses	\$4,878	\$4,878	\$4,878	\$4,878
TOTAL Expenditures	\$4,878	\$4,878	\$4,878	\$4,878
<u>Funding of Expenditures</u>				
General Fund (01)	\$4,878	\$4,878	\$4,878	\$4,878
TOTAL Funding of Expenditures	\$4,878	\$4,878	\$4,878	\$4,878
<u>Revenues</u>				
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u>				
General Fund (01)	(\$4,878)	(\$4,878)	(\$4,878)	(\$4,878)


Sponsor's Initials


Date


Budget Director's Initials


Date