



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: **SB0383.01: Generally revise partner family member assault laws to prevent victim from being charged with assault**

Primary Sponsor: Daniel Emrich 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)	(\$6,825)	(\$6,825)	(\$6,927)	(\$7,031)
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u>\$6,825</u>	<u>\$6,825</u>	<u>\$6,927</u>	<u>\$7,031</u>
<b>General Fund Balance</b>				

### Description of fiscal impact

SB 383 revises partner family member assault laws preventing an identified victim from being charged with assault resulting in a slight decrease in PFMA cases for the Office of Public Defender.

### FISCAL ANALYSIS

#### Assumptions

##### Judiciary

- SB 383 defines victim in 45-5-206, MCA, as a partner or family member against whom the offender commits an assault.
- SB 383 also amends 45-5-206, MCA, to add that a victim can not be charged with partner or family assault.
- There is no fiscal impact to the Judicial Branch.

##### Public Defender

- Based on FY 2024 appointments, OPD assumes that SB 383's limitation that only one party to an incident may be charged with Partner or Family Member Assault (PFMA) would result in OPD being appointed to 10 less PFMA cases per year. OPD assumes the case weight of each of these PFMA cases would be 7 hours per case.
- Because OPD's FTE staff is working at capacity and cases are being overflowed to contractors, OPD assumes any marginal reduction in the cases to which OPD is appointed would result in fewer case assignments to contract public defenders.
- 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).
- OPD, thus, assumes SB 383 would result in an annual cost savings of \$6,825.
- OPD assumes 1.5% inflation in FY 2028 and in FY 2029.

## Fiscal Analysis Table

Public Defender				
	<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><u>Fiscal Impact</u></b>				
<b><u>Expenditures</u></b>				
Operating Expenses	(\$6,825)	(\$6,825)	(\$6,927)	(\$7,031)
<b>TOTAL Expenditures</b>	<b>(\$6,825)</b>	<b>(\$6,825)</b>	<b>(\$6,927)</b>	<b>(\$7,031)</b>
<b><u>Funding of Expenditures</u></b>				
General Fund (01)	(\$6,825)	(\$6,825)	(\$6,927)	(\$7,031)
<b>TOTAL Funding of Expenditures</b>	<b>(\$6,825)</b>	<b>(\$6,825)</b>	<b>(\$6,927)</b>	<b>(\$7,031)</b>
<b><u>Revenues</u></b>				
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b>				
General Fund (01)	\$6,825	\$6,825	\$6,927	\$7,031

NO SPONSOR SIGNATURE

Sponsor's Initials

Date

3/3



Budget Director's Initials

3/1/2025

Date