



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: **SB0296.02 (003): Enhance penalty for crime against vulnerable person**

Primary Sponsor: **Mike Yakawich** Status: **As Amended in House Committee**

☐ 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)	\$36,115	\$69,695	\$104,824	\$140,962
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u>(\$36,115)</u>	<u>(\$69,695)</u>	<u>(\$104,824)</u>	<u>(\$140,962)</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) and the Office of Public Defender (OPD) 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.

#### Office of Public Defender (OPD)

**Fiscal Note Request - As Amended in House Committee***(continued)*

5. Relying upon the Department of Corrections assumption of one additional new felony conviction per year, OPD assumes SB 296 would result in OPD's appointment to at least one additional felony charge per year, assumed to be defended by a contract attorney.
6. OPD assumes the total impact of SB 296 would be \$2,535: 1 additional felony times 26 hours times \$97.50 per hour.
7. OPD assumes inflation of 1.5% in FY 2028 and in FY 2029.

**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	\$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)

**Public Defender**

	<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	\$2,535	\$2,535	\$2,573	\$2,612

Fiscal Note Request - As Amended in House Committee

(continued)

<b>TOTAL Expenditures</b>	<u>\$2,535</u>	<u>\$2,535</u>	<u>\$2,573</u>	<u>\$2,612</u>
<b>Funding of Expenditures</b>				
General Fund (01)	\$2,535	\$2,535	\$2,573	\$2,612
<b>TOTAL Funding of Expenditures</b>	<u>\$2,535</u>	<u>\$2,535</u>	<u>\$2,573</u>	<u>\$2,612</u>
<b>Revenues</b>				
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
General Fund (01)	<u>(\$2,535)</u>	<u>(\$2,535)</u>	<u>(\$2,573)</u>	<u>(\$2,612)</u>

STATEWIDE SUMMARY

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<b>Fiscal Impact</b>				
TOTAL Fiscal Impact	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>Expenditures</b>				
Operating Expenses	\$36,115	\$69,695	\$104,824	\$140,962
<b>TOTAL Expenditures</b>	<u>\$36,115</u>	<u>\$69,695</u>	<u>\$104,824</u>	<u>\$140,962</u>
<b>Funding of Expenditures</b>				
General Fund (01)	\$36,115	\$69,695	\$104,824	\$140,962
<b>TOTAL Funding of Expenditures</b>	<u>\$36,115</u>	<u>\$69,695</u>	<u>\$104,824</u>	<u>\$140,962</u>
<b>Revenues</b>				
TOTAL Revenues	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</b>				
General Fund (01)	<u>(\$36,115)</u>	<u>(\$69,695)</u>	<u>(\$104,824)</u>	<u>(\$140,962)</u>

Mike Yakank 4-1-25  
Sponsor's Initials Date

RO 3/31/2025  
Budget Director's Initials Date