



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: **HB0503.01: Generally revise traffic laws regarding evading or fleeing a peace officer**

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 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
Expenditures				
General Fund (01)	\$67,160	\$134,320	\$204,502	\$272,670
Revenues				
General Fund (01)	\$0	\$0	\$0	\$0
Net Impact	<u>(\$67,160)</u>	<u>(\$134,320)</u>	<u>(\$204,502)</u>	<u>(\$272,670)</u>
General Fund Balance				

Description of fiscal impact

HB 503 creates a new penalties section for fleeing or eluding a peace officer, 61-8-316, MCA, and creates an offense of aggravated fleeing from or eluding a peace officer. The new offense and penalties increase the potential for prison time and supervision periods with the Department of Corrections, and may over time require additional resources for the Office of the Public Defender.

FISCAL ANALYSIS

Assumptions

Department of Corrections (DoC)

- HB 503 creates a new felony offense of aggravated fleeing or eluding a peace officer for a second or subsequent conviction under 61-8-316, MCA. This new offense creates a penalty of imprisonment for up to five (5) years. The number of offenders with two (2) or more misdemeanor convictions between FY 2022 and FY 2024 was 10 instances. The DoC assumes there will be an average of two (2) misdemeanor offenses that will now be felony convictions each year, with an average length of stay of four (4) years as a result of the proposed changes.
- DoC estimates a cost of \$92 per offender per day or \$33,580 per year.
- DoC assumes an inflationary factor of 1.5% in FY 2028 and FY 2029.
- Assuming a start date of July 1, 2025, in FY 2026 the department would see a fiscal impact of \$67,160 (\$92/day x 365 days x 2 offenders) and in FY 2027 a total of \$134,320 (\$92/day x 365 days x 4 offenders). An inflationary factor of 1.5% has been applied for FY 2028 for a total of \$204,502 and in FY 2029 a total of \$272,670.

Department of Justice

- HB 503 would create a new offense of aggravated fleeing or eluding a peace officer.
- The Montana Highway Patrol (MHP) does not track previous convictions and would not be able to write citations for the new aggravated offense in 61-8-316(2)(a), MCA.

3. For fiscal years 2024 and 2025 394 citations were written for 61-8-316(1), MCA and 3 citations for 61-8-316(2)(b), MCA.
4. Additional fines will likely not be written under HB 503 as the MHP would not be able to determine if a person had been convicted of fleeing or eluding previously. Additionally, fine amounts and offenses are being rearranged and not changed under HB 503.

Office of Public Defender (OPD)

5. OPD assumes HB 503's creation of a new felony offense of Aggravated Fleeing from or Eluding a Peace Officer would increase the severity of the cases to which OPD would be appointed each year.
6. However, because OPD has no data regarding the prevalence of the driving conduct or offense history that would define this new felony offense, OPD cannot determine how many such new felony Aggravated Fleeing from or Eluding a Peace Officer offenses would be charged under HB 503.
7. Because OPD's FTE staff is already working at capacity, OPD assumes any increase the work to which OPD is appointed would be represented by contract public defenders.
8. OPD assumes the 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).
9. OPD assumes the Aggravated Fleeing from, or Eluding a Peace Officer felonies would replace charges that are currently brought as Fleeing from or Eluding a Peace Officer misdemeanors, resulting in 7 additional case weight hours per matter.
10. OPD, therefore, assumes the total impact of HB 503 on OPD would be the number of new Aggravated Fleeing from or Eluding a Peace Officer cases to which OPD is appointed (unknown) times 7 additional hours per cases times \$97.50 per hour.
11. While OPD is unable to predict the fiscal impact from this bill, HB 503 in addition to other bills passed by the 2025 Legislature, may over time require additional resources.

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>
<u>Fiscal Impact</u>				
<u>Expenditures</u>				
Operating Expenses	\$67,160	\$134,320	\$204,502	\$272,670
TOTAL Expenditures	\$67,160	\$134,320	\$204,502	\$272,670
<u>Funding of Expenditures</u>				
General Fund (01)	\$67,160	\$134,320	\$204,502	\$272,670
TOTAL Funding of Expenditures	\$67,160	\$134,320	\$204,502	\$272,670
<u>Revenues</u>				
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u>				
General Fund (01)	(\$67,160)	(\$134,320)	(\$204,502)	(\$272,670)

Sponsor's Initials

Date

NOT SIGNED BY SPONSOR

3/7/25

Budget Director's Initials

3/6/2025

Date