



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: HB0896.01: Prohibit harboring or assisting illegal aliens

Primary Sponsor: Lukas Schubert 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)	\$500	\$0	\$0	\$0
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u>(\$500)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>General Fund Balance</b>				

### Description of fiscal impact

HB 896 would amend the definition of an offender under MCA 45-7-303. There is appropriated, in this bill, \$500 to the Department of Justice to comply with notification requirements in the bill. Expenses could potentially exceed the \$500 proposed appropriation due to the amount of mailings that would be required. As this is a new offense there may be increased costs for the Department of Corrections and/or the Office of Public Defender but there is no way to estimate at this time.

### FISCAL ANALYSIS

#### Assumptions

#### Department of Justice

1. HB 896 appropriates \$500 to the Department of Justice for the biennium beginning July 1, 2025, for the purpose of notifying law enforcement agencies and county attorneys, by mail, about the requirements of this act.
2. The Division of Criminal Investigation is not anticipating a fiscal impact that would lead to expenditures of more than the \$500 proposed appropriation as drafting and possible multiple mailings could be absorbed by existing staff. Depending on the number of notifications required, mailing expenses could possibly exceed the \$500 proposed allocation.
3. The Montana Highway Patrol is unable to provide an estimate on how many persons would violate statute based on available past data. There is a possibility that a minimal increase in revenue could be seen.

#### Department of Corrections

1. HB 896 amends MCA 45-7-303 "Obstructing Justice" statute to add an additional definition to the term offender to include a person who has entered the United States in violation of law and has not been inspected by the federal government since the unlawful entry or has not complied with the conditions of the person's immigration status, which were set at the time of the person's entry into the United States by the United States department of homeland security.

2. With the new definitions, it is difficult to determine how often the state has unsuccessfully attempted to convict someone of obstructing justice by harboring undocumented individuals in the past due to not being able to establish that undocumented individual was an "offender".

**Judiciary**

1. HB 896 would amend the definition of an offender under MCA 45-7-303, to include a person who (i) has entered the United State in violation of law and has not been inspected by the federal government since the unlawful entry or (ii) has not complied with the condition of the person's immigration status.
2. The amended MCA 45-7-303 would include harboring or assisting this person as an offense.
3. This section of this legislation may increase District Court workload, but the Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of any legislation creating new offenses may over time require additional judicial resources because court dockets are generally full throughout the state.

**Public Defender (OPD)**

1. In FY 2024, OPD was appointed to 48 new cases in which Obstructing Justice was the top (and, thus, case-weight controlling) charge.
2. OPD assumes that HB 896's expansion of Obstructing Justice to include new conduct would increase that number for FY 2026 and following years.
3. However, because OPD has no historical data regarding the frequency of this new offense conduct, OPD is unable to credibly determine how many such additional Obstructing Justice charges would result from HB 896.
4. Because HB 896's expanded immigration-status-based definition of Obstructing Justice does not fall within the offense's existing penalty section (45-7-303(3), MCA), the additional Obstructing Justice charges resulting from HB 896 would be misdemeanors pursuant to the catch-all provision at 46-18-212, MCA, and OPD, therefore, assumes they would be weighted at 7 case weight hours.
5. Because OPD's FTE staff is already working at capacity, OPD assumes any increase in cases to which OPD is appointed would be represented by contract public defenders.
6. 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).
7. OPD assumes the total impact of this bill on OPD would be the number of new misdemeanor Obstructing Justice charges filed (unknown) times 7 hours per case times \$97.50 per hour.
8. Because OPD is unable to determine how many new Obstructing Justice cases HB 896 would produce, OPD is unable to determine a specific fiscal impact at this time.

**Fiscal Analysis Table**

	<b><u>FY 2026 Difference</u></b>	<b><u>FY 2027 Difference</u></b>	<b><u>FY 2028 Difference</u></b>	<b><u>FY 2029 Difference</u></b>
<b><u>Fiscal Impact</u></b>				
<b><u>Expenditures</u></b>				
Operating Expenses	\$0	\$0	\$0	\$0
Department of Justice	\$500	\$0	\$0	\$0
<b>TOTAL Expenditures</b>	<b>\$500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b><u>Funding of Expenditures</u></b>				
General Fund (01)	\$500	\$0	\$0	\$0
<b>TOTAL Funding of Expenditures</b>	<b>\$500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b><u>Revenues</u></b>				
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b>				
General Fund (01)	(\$500)	\$0	\$0	\$0

LS

Sponsor's Initials

4/1/2025

Date

RD

Budget Director's Initials

4/1/2025

Date