



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: HB0752.02 (003): Prohibit access to child pornography in Montana

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

### Description of fiscal impact

HB 752 would prohibit content providers from allowing access to child sexual abuse material in Montana. As amended, this bill would create no anticipated fiscal impact to the state.

### FISCAL ANALYSIS

#### Assumptions

#### Department of Justice (DoJ)

1. As amended, HB 752 provides for the right of action by citizens but removes the DoJ enforcement activities. The DoJ would no longer be required to investigate, locate, catalog, or analyze any data to identify victims and crimes or to quantify amounts of contraband on particular websites/services. Amended language therefore changes the DoJ impact to no fiscal impact.

#### Judiciary

2. A content provider who produces, publishes, distributes, or maintains a substantial amount of sexually explicit visual content may not produce, publish, distribute or maintain child sexual abuse material in a manner in which the material is reasonably accessible in Montana.
3. A person who is injured by a violation may maintain an action to seek the remedies available.
4. A plaintiff who brings action may seek injunctive relief, declaratory relief, compensatory damages, punitive damages, or statutory damages.
5. 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

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Sponsor's Initials

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Date



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Budget Director's Initials

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3/6/2025

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Date