



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: HB0852.02 (002): Generally revise bailbond laws

Primary Sponsor: Nelly Nicol 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>
Expenditures				
General Fund (01)	\$0	\$0	\$0	\$0
Revenues				
General Fund (01)	\$0	\$0	\$0	\$0
Net Impact	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
General Fund Balance	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact

HB 852 is an act generally revising laws related to bail bond by revising surety bail bond laws. It has no fiscal impact to the state.

FISCAL ANALYSIS

Assumptions

Judiciary

1. HB 852 generally revises laws related to bail and surety bail agent's role in ensuring the defendant's appearance in court.
2. Section 5 requires the supreme court to collaborate with the attorney general to develop training and education for the Judges of the municipal court, city or justice of the peace, on the statutory framework governing surety appearance bonds.
3. Section 11 amends 46-9-311, MCA, to include if a bond is reduced or increased by the court, the surety bail bond insurance producer must be given notice in addition to the opposing party's attorney. If the bond is increased and a new bond is required, the surety bail bondsman may rewrite the bond. On a defendant's surrender, the defendant must be brought before a judge for a redetermination of bond prior to release and the judge may only continue with existing bond if the surety bail bond insurance provider agrees to continue with bond liability.
4. Section 13 amends 46-9-503, MCA, to require the court to notify the agent within 10 days after the 90-day forfeiture period expires if the forfeiture remains unpaid. Notification under this section must be served as a notice in a civil action. Also, if a defendant is incarcerated in a jurisdiction outside the state or in a tribal jail, the surety bail bond insurance producer may petition the court for issuance of a warrant.

5. The additional deadlines and actions imposed by this bill may delay adjudication of other case types. The Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of legislation such as this may eventually require additional judicial resources to avoid further backlog in district court case processing.

Effect on County or Other Local Revenues or Expenditures

MACO

1. It is assumed that the provision for free phone calls to the jail will not require programming costs for phone vendors in county jails.



Sponsor's Initials Date



Budget Director's Initials 4/7/2025
Date