



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: **HB0575.01: Generally revise the proceedings in which a public defender may be assigned**

Primary Sponsor: Peter Strand

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)	\$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 575 clarifies the statutory duty for Office of State Public Defender (OPD) attorneys to serve as treatment court team members and as counsel in private adoption cases but in practice such functions are already provided for within the Governor's Budget. If the Governor's Budget Proposal for OPD is not fully funded, which as of March 4, 2025 it is not, the OPD will require additional resources.

FISCAL ANALYSIS

Assumptions

Office of Public Defender (OPD)

1. Because OPD has in practice been serving as treatment court team members and as counsel in private adoption cases and because the Governor's Budget would fully fund OPD's existing service costs, OPD assumes that appropriation for these functions is within the Governor's Budget and that HB 575 would, thus, have no fiscal impact if the Governor's Budget is fully funded.
2. If the Governor's Budget is not fully funded, which as of March 4, 2025 it is not, OPD would require additional or supplemental appropriation to cover these functions' costs.
3. Because OPD's FTE staff is already working at capacity, OPD assumes any increase or decrease in the work to which OPD is appointed would change the amount of work handled by contract public defenders.
4. OPD assumes the cost of representation by contract public defenders would be \$90 per professional services hour plus average travel expenses of \$7.50 per case hour for cases in which travel maybe necessary.
5. Based on FY 2024, OPD assumes total, annual treatment court hours of 3,638, resulting in marginal costs of \$327,408.
6. Based on FY 2024, OPD assumes \$38,784 in grant reimbursement from treatment courts.

7. Based on FY 2024, OPD assumes total, annual private adoption hours of 96, resulting in marginal costs of \$9,339.
8. Based on FY 2024, OPD assumes expert and other litigation costs of \$3,623 in private adoption cases.
9. These cost estimates may undercount future treatment court and private adoption costs under HB 575 as more courts might appoint OPD to these roles if OPD is explicitly authorized in statute to be appointed in such situations; however, OPD has no data regarding how many such additional appointments the courts might make.

Judiciary

10. HB 575 amends 47-1-104, MCA, authorizing that a court may order a public offender qualified to provide the required services for a parent in a proceeding to involuntarily terminate the parent's parental rights pursuant to 42-2-607, MCA.
11. HB575 provides that a court may order a public defender to serve as a member of a treatment court team established pursuant to 46-1-1104, MCA, or 46-1-1204, MCA.
12. The changes proposed in HB 575 do not require any additional services from the Judicial Branch under this bill therefore there is no fiscal impact to the Judicial Branch.

NOT SIGNED BY SPONSOR

Sponsor's Initials

Date



Budget Director's Initials

3/3/2025

Date