



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: **SB0084.01: Generally revise laws related to presentence investigations**

Primary Sponsor: Laura Smith 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)	\$1,231,010	\$1,179,603	\$1,197,298	\$1,215,256
Revenues				
General Fund (01)	\$0	\$0	\$0	\$0
Net Impact	<u>(\$1,231,010)</u>	<u>(\$1,179,603)</u>	<u>(\$1,197,298)</u>	<u>(\$1,215,256)</u>
General Fund Balance				

Description of fiscal impact

SB 84 amends pre-sentence investigation laws to require the Department of Corrections (DoC) Probation & Parole bureau (P&P) to generate a PSI in every case where an offender pleads to or is found guilty of one or more felonies. Previously the language in 46-18-111(1), MCA, was discretionary, giving the court the option to order or not order a PSI, except in limited circumstances. It also mandates PSIs by DPHHS in cases involving offenders who were suffering from a mental disease or disorder or developmental disability.

FISCAL ANALYSIS

Assumptions

Judiciary

1. SB 84 amends 46-18-111, MCA, to make presentence investigations (PSI) required, rather than at the discretion of the judge.
2. A psychosexual evaluation is required are part of a PSI when the guilty verdict is for certain sex crimes. The evaluation may already have been provided or at the request of the judge. If the defendant is indigent, the cost of psychosexual evaluation must be paid by the court per 3-5-901, MCA.
3. The Judicial Branch assumes that PSI's and psychosexual evaluations are already done or have been requested for the crimes that require the psychosexual evaluations. As such, costs are not expected to increase as a result of SB 84.

Department of Public Health and Human Services

4. SB 84 states that all costs related to the evaluation, including an evaluation ordered by the court must be paid by the defendant. If the defendant is determined by the district court to be indigent, all costs related to the evaluation, including an evaluation ordered by the court are the responsibility of the district court. This bill will have no fiscal impact on DPHHS.

Public Defender

5. OPD assumes SB 84 would not change the case weight hours OPD assigns to any matter.

6. OPD, therefore, assumes no fiscal impact.

Department of Corrections

7. SB 84 will have a significant fiscal impact on P&P officers and PSI writers as nearly every felony case will now require a PSI. The DoC would create a new unit consisting of 14.00 new FTE. The FTE to run the unit include a Probation & Parole (P&P) Captain, two P&P Sergeants, one Administrative Assistant, and 10 PSI Writers. Assuming this new unit will be in effect starting 07/01/2025, the estimated cost of personal services in FY 2026 will be \$1,151,704 and \$1,151,704 in FY 2027. Assuming a cost-of-living increase of 1.5%, in each subsequent year, the estimated cost is \$1,168,980 in FY 2028 and \$1,186,514 in FY 2029.
8. The operating budget needed for this unit includes one-time only costs in FY 2026 of \$1,120 for cell phone startup costs (\$80/FTE x 14.00 FTE), \$11,087 for required All New Staff Orientation (ANSO) training (\$792/FTE x 14.00 FTE), and \$39,200 for the new employee package (\$2,800/FTE x 14.00 FTE) for a total of \$51,407.
9. The on-going operating costs consist of \$7,560 for monthly cell service (\$540/FTE x 14.00 FTE), \$17,539 for two required annual trainings (\$1,253/FTE x 14.00 FTE) and \$2,800 for office supplies (\$200/FTE x 14.00 FTE) for a total of \$27,899 in FY 2026 and \$27,899 in FY20 27. Assuming a 1.5% increase per year, the on-going operating budget is estimated at \$28,318 in FY 2028, and \$28,742 in FY 2029.

Department of Justice

10. SB 84 would not impact cases under the Civil Services, Prosecution Services, Office of Consumer Protection, or the Appellate Services Bureaus. No fiscal impact to the Legal Services Division.

Fiscal Analysis Table

Department of Corrections				
	FY 2026 Difference	FY 2027 Difference	FY 2028 Difference	FY 2029 Difference
<u>Fiscal Impact</u>				
FTE	14.00	14.00	14.00	14.00
TOTAL Fiscal Impact	14.00	14.00	14.00	14.00
<u>Expenditures</u>				
Personal Services	\$1,151,704	\$1,151,704	\$1,168,980	\$1,186,514
Operating Expenses	\$79,306	\$27,899	\$28,318	\$28,742
TOTAL Expenditures	\$1,231,010	\$1,179,603	\$1,197,298	\$1,215,256
<u>Funding of Expenditures</u>				
General Fund (01)	\$1,231,010	\$1,179,603	\$1,197,298	\$1,215,256
TOTAL Funding of Expenditures	\$1,231,010	\$1,179,603	\$1,197,298	\$1,215,256
<u>Revenues</u>				
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u>				
General Fund (01)	(\$1,231,010)	(\$1,179,603)	(\$1,197,298)	(\$1,215,256)

NO SPONSOR SIGNATURE

Sponsor's Initials

Date

2/25

Budget Director's Initials

2/24/2025

Date