



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: **HB0493.01: Establish the crime of possession of stolen firearm or ammunition**

Primary Sponsor: **Steven Kelly**

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)	\$67,160	\$134,320	\$204,502	\$276,699
Revenues				
General Fund (01)	\$0	\$0	\$0	\$0
Net Impact	<u>(\$67,160)</u>	<u>(\$134,320)</u>	<u>(\$204,502)</u>	<u>(\$276,699)</u>
General Fund Balance				

Description of fiscal impact

HB 493 establishes the crime of possession of a stolen firearm or stolen ammunition. There is an anticipated fiscal impact to the Department of Corrections.

FISCAL ANALYSIS

Assumptions

Department of Corrections (DoC)

- HB 493 creates a new offense of possession of stolen firearms or stolen ammunition when a person purposely and knowingly receives, possesses, conceals, stores, barter, sells, or disposes of a stolen firearm or ammunition.
- DoC assumes two (2) new incarcerations per year not currently being convicted under a different statute.
- DoC assumes each offender will serve a six (6) year sentence.
- The cost of each incarceration is estimated at \$92 per day or \$33,580 per year.
- Assuming a start date of July 1, 2025, in FY 2026 the department would see a fiscal impact of \$67,160 (\$92/day x 365 days x 2 offenders) and in FY 2027 a total of \$134,320 (\$92/day x 365 days x 4 offenders). An inflationary factor of 1.5% has been applied for FY 2028 for a total of \$204,502 (\$92/day x 365 days x 6 offenders) and in FY 2029 a total of \$276,699 (\$92/day x 365 days x 8 offenders).

Judiciary

- A person convicted of the offense shall be imprisoned in a state prison.
- 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

Office of Public Defender (OPD)

8. OPD assumes this new felony offense would be weighted at 20 case weight hours similar to current felony Theft offenses.
9. 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.
10. OPD assumes the 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).
11. OPD assumes the total impact of this bill on OPD would be the number of newly filed felonies (unknown) times 20 hours per case times \$97.50 per hour.
12. Unfortunately, OPD does not have data regarding the prevalence of possession of stolen firearms and ammunition conduct within Montana and cannot determine how many such new offenses would be charged under HB 493.
13. OPD, therefore, cannot assume a specific fiscal impact at this time.

Fiscal Analysis Table

Department of Corrections				
	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
	<u>Difference</u>	<u>Difference</u>	<u>Difference</u>	<u>Difference</u>
<u>Fiscal Impact</u>				
<u>Expenditures</u>				
Operating Expenses	\$67,160	\$134,320	\$204,502	\$276,699
TOTAL Expenditures	\$67,160	\$134,320	\$204,502	\$276,699
<u>Funding of Expenditures</u>				
General Fund (01)	\$67,160	\$134,320	\$204,502	\$276,699
TOTAL Funding of Expenditures	\$67,160	\$134,320	\$204,502	\$276,699
<u>Revenues</u>				
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u>				
General Fund (01)	(\$67,160)	(\$134,320)	(\$204,502)	(\$276,699)



Sponsor's Initials

2-25-25

Date



Budget Director's Initials

2/21/2025

Date