



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: HB0890.01: Generally revise criminal procedure law

Primary Sponsor: Bill Mercer 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</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>	<u>FY 2028</u> <u>Difference</u>	<u>FY 2029</u> <u>Difference</u>
<b>Expenditures</b>				
General Fund (01)	\$6,000	\$0	\$0	\$0
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u>(\$6,000)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>General Fund Balance</b>				

### Description of fiscal impact

HB 890 requires the Department of Corrections, the Department of Justice, and the Judicial Branch "confer and collaborate" to determine the most efficient way to provide to the criminal justice data warehouse the criminal history information of offenders convicted in district court in the past 5 fiscal year. Each entity is appropriated \$2,000 general fund for this effort. The bill directs that if a consensus can't be reached the Department of Corrections is required to provide criminal history information to the criminal justice data warehouse. This would be a significant cost to the department Those costs are no reflected as expenditures in the fiscal impact but, those costs are noted in assumptions for reference.

### FISCAL ANALYSIS

#### Assumptions

#### Department of Corrections (DoC)

1. The Department is appropriated \$2,000 in HB 890 to help fund the agency to confer with the other listed parties. **If there is no concurrence, then the following assumptions would apply.**
  - a. The DoC assumes a cost of \$75,000 for contracted services to develop a new module in the OMIS and/or COMPASS system to accommodate entry and maintenance of criminal history information.
  - b. From FY 2021 through FY 2025 year-to-date, there have been 15,154 Pre-Sentencing Investigations (PSIs) completed, and 751 are currently in progress for a total of 15,905 PSIs. DoC assumes that it would require at least 8.00 temporary employees approximately one (1) year to complete the entry of historical data. After that, the entry of criminal history will become part of the record keeping process and will not require additional staff. DoC assumes a cost of \$60,000 per temporary employee for one year, for a total of \$480,000 in contracted personal services.
  - c. The total estimated cost to the DoC in FY 2026 is \$555,000.

#### Department of Justice

2. The department is appropriated \$2,000 in HB 890 to help fund the agency to confer with the other listed parties. **If there is no concurrence, then the following assumptions would apply.**
- a. Section 1 (5)(a) would require the Department of Justice (DOJ) to collaborate with the Department of Corrections and the Judicial Branch to determine, by October 1, 2025, the most efficient way to provide to the criminal justice data warehouse the criminal history information of offenders convicted in a district court for the past 5 fiscal years.
  - b. It is unknown what the State Repository vendor would charge to interface with Snowflake.
  - c. The Division of Criminal Investigation (DCI) estimates that 2.00 FTE will need to be added to absorb the workload for compliance related to confidential criminal history information (CCJI) quality assurance.
  - d. DCI assumes a Data Control Analyst will be needed. Since the Criminal Records & Identification Services Section (CRISS) manually enters disposition information from the Courts into the DOJ's State Repository, and there is currently a backlog, it is highly likely staff will need to research missing dispositions and work with the Courts when a criminal history is identified as being incomplete. Under MCA 44-5-202, certain individuals are issued a notice to appear (misdemeanor traffic, regulatory, or fish and game offenses) without being fingerprinted. The State Repository is based on biometric data. If a law enforcement agency does not capture an individual's fingerprints and only issue a notice to appear, the data is not in the State Repository.
  - e. DCI assumes the Data Control Analyst position will cost \$58,715 in FY 2026 and 2027 for personal services and benefits. Operating costs of \$14,681 would be needed in FY 2026 and would include office and computer set up, travel and training costs, and IT fixed costs. Operating costs of \$8,789 would be needed in FY 2027.
  - f. DCI assumes a Compliance Auditor position would also be needed. This FTE will be needed to audit for compliance/quality assurance that CCJI isn't being transmitted to the data warehouse. Current Compliance Auditors do not have the bandwidth to audit the data that criminal justice agencies will share with the data warehouse. Compliance Auditors are currently auditing over 1,800 criminal justice and non-criminal justice agencies to ensure compliance with state and federal laws, policies, and regulations. The proposed data warehouse project will need constant quality assurance measures in place to ensure CCJI is not being transmitted into the system. As defined in MCA 44-5-103, only criminal justice agencies or those specifically authorized by law are authorized to receive CCJI. The DOJ's State Repository retains official criminal records including arrest records without convictions, biometric data (fingerprints), and sealed records; these are all considered CCJI. Unintentional transmittal of CCJI could occur if a law enforcement agency or Department of Corrections accidentally enters CCJI into a field that is transmitted into the data warehouse. If out-of-state or federal criminal history data enters the system, it would violate the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) Security Policy. If Montana were to be found out of compliance with the FBI CJIS Security Policy, the State of Montana could lose access to federal data sources.
  - g. DCI assumes \$70,688 would be needed in FY 2026 and FY 2027 for personal services and benefit costs. Operating costs of \$14,681 would be needed in FY 2026 and would include office and computer set up, travel and training costs, and IT fixed costs. Operating costs of \$8,789 would be needed in FY 2027.
  - h. The DOJ IT bureau assumes several FTE would be needed to implement, monitor and analyze this program.
  - i. IT assumes a half-time Security Analyst position would be needed. This position would continuously monitor data and access controls and design and audit the system security controls. This position would also ensure federal and state security laws and policies are not violated. IT assumes \$48,263 would be needed in FY 2026 and FY 2027 for personal services and benefit costs. Operating costs of \$9,759 would be needed in FY 2026 and would include office and computer set up, travel and training costs, and IT fixed costs. Operating costs of \$6,359 would be needed in FY 2027.
  - j. IT assumes a half-time Systems Analyst position would be needed. This position would act as a subject matter expert for the program and would also monitor middle-ware operations and interfaces with

system users. IT assumes \$51,900 would be needed in FY 2026 and FY 2027 for personal services and benefit costs. Operating costs of \$9,759 would be needed in FY 2026 and would include office and computer set up, travel and training costs, and IT fixed costs. Operating costs of \$6,359 would be needed in FY 2027.

- k. IT assumes a half-time software developer would be needed. This position would write code to implement new interfaces with databases as designed by data architects. IT assumes \$40,298 would be needed in FY 2026 and FY 2027 for personal services and benefits costs. Operating costs of \$9,759 would be needed in FY 2026 and would include office and computer set up, travel and training costs, and IT fixed costs. Operating costs of \$6,359 would be needed in FY 2027.
- l. IT assumes two database architects would be needed in FY 2026 and FY 2027. These positions would analyze current databases structure and design to efficiently implement interfaces to meet goals. After the project is implemented, these positions would no longer be needed. IT assumes \$179,636 would be needed in FY 2026 and FY 2027 for personal services and benefit costs. Operating costs of \$19,518 would be needed in FY 2026 and would include office and computer set up, travel and training costs, and IT fixed costs. Operating costs of \$12,718 would be needed in FY 2027.
- m. An inflationary increase of 1.5% is applied to FY 2028 and FY 2029.

### Judiciary


3. HB 890 is an act requiring the Department of Justice, the Department of Corrections and the Judicial Branch to confer and determine the best way to provide criminal history information to the criminal justice data warehouse.
4. The bill includes an appropriation of \$2,000. No further resources would be required.

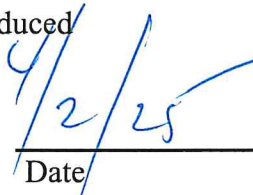
**Fiscal Analysis Table**

	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>	<u>FY 2028</u> <u>Difference</u>	<u>FY 2029</u> <u>Difference</u>
<b><u>Fiscal Impact</u></b>				
<b><u>Expenditures</u></b>				
Operating Expenses	\$0	\$0	\$0	\$0
Department of Corrections	\$2,000	\$0	\$0	\$0
Department of Justice	\$2,000	\$0	\$0	\$0
Judicial Branch	\$2,000	\$0	\$0	\$0
<b>TOTAL Expenditures</b>	<b>\$6,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b><u>Funding of Expenditures</u></b>				
General Fund (01)	\$6,000	\$0	\$0	\$0
<b>TOTAL Funding of Expenditures</b>	<b>\$6,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b><u>Revenues</u></b>				
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b>				
General Fund (01)	(\$6,000)	\$0	\$0	\$0

### Technical Concerns

1. Per section 1 (5) (c) of HB 890, if consensus is not found among the three agencies, there will be additional requires resources as shown in the previous assumptions.

  
\_\_\_\_\_  
Sponsor's Initials

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Budget Director's Initials

4/2/2025  
\_\_\_\_\_  
Date