



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: **HB0532.02 (002): Generally revise laws related to abuse, neglect, and exploitation of incapacitated persons and vulnerable adults**

Primary Sponsor: Bill Mercer Status: As Amended in Senate

☐ 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 532 revises laws related to the abuse, neglect, or exploitation of incapacitated persons and vulnerable adults. There is no fiscal impact determined at this time, but depending on prosecutions and convictions over time there may be a fiscal impact identified.

FISCAL ANALYSIS

Assumptions

Department of Corrections

1. The potential impact of HB 532 is difficult to quantify. Some of the penalties are reduced (e.g. from 10 years maximum, to 3 years maximum). On the other hand, the inclusion of incapacitated persons and vulnerable adults is new and would create two new felony offenses that could result in increased supervision or incarceration, depending on the prevalence of this offense. For purposes of this fiscal note, the department assumes that these two impacts would balance each other, with the result being no direct fiscal impact to the Department of Corrections.

Department of Justice

2. HB 532 could lead to an increase in cases the Prosecution Services Bureau (PSB) may charge. The increased workload could be absorbed into the current case load, the PSB has no significant fiscal impact. If the PSB did not have the capacity to handle cases, they would be referred back to the counties.
3. HB 532 would revise laws related to the Division of Criminal Investigation (DCI) and local law enforcement investigation and enforcement of criminal code involving vulnerable adults and incapacitated people. A fiscal impact to the DCI, specifically the Elder Justice Unit, is not anticipated as the proposed changes enhance program effectiveness under existing personnel and resources.

Judiciary

4. 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

Public Defender (OPD)

5. OPD assumes that HB 532's creation of new offenses of Abuse, Sexual Abuse, or Neglect of a Vulnerable Adult, Failure to Report Abuse or Neglect of a Vulnerable Adult, and Exploitation of an Incapacitated Person or Vulnerable Adult and its expansion of felony Theft of Identity to cover conduct against incapacitated persons and vulnerable adults would increase the number and severity of cases to which OPD would be appointed each year.
6. However, because OPD has no historical data regarding the frequency of this new offense conduct nor its overlap with other existing offenses, OPD is unable to determine how many such new or newly felony charges would result from HB 532.
7. 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.
8. OPD assumes the estimated 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).
9. OPD assumes new misdemeanor cases under HB 532 would be weighted at 7 case weight hours, new physical abuse and theft felonies at 20 case weight hours, and new sexual abuse felonies at 50 case weight hours per case.
10. OPD assumes the total impact of this bill on OPD would be the number of new misdemeanors filed (unknown) times 7 hours times \$97.50 per hour plus the number of new physical abuse and theft felonies filed (unknown) times 20 hours times \$97.50 per hour plus the number of new sexual abuse felonies filed (unknown) time 50 hours times \$97.50 per hour.
11. The cumulative impact of any legislation creating new offenses may require additional resources over time because OPD caseloads are full throughout the state

Sponsor's Initials_____
Date_____
Budget Director's Initials

3/17/2025

Date