



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: SB0491.02 (001): Generally revise laws related to sexual assault kits

Primary Sponsor: Bob Phalen Status: As Amended in House Committee

☐ 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 2025</u> <u>Difference</u>	<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>
Expenditures					
General Fund (01)	\$0	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$0	\$800,000	\$800,000	\$800,000	\$800,000
Revenues					
General Fund (01)	(\$800,000)	(\$800,000)	(\$800,000)	(\$800,000)	(\$800,000)
State Special Revenue (02)	\$800,000	\$800,000	\$800,000	\$800,000	\$800,000
Net Impact	<u>(\$800,000)</u>	<u>(\$800,000)</u>	<u>(\$800,000)</u>	<u>(\$800,000)</u>	<u>(\$800,000)</u>
General Fund Balance					

Description of fiscal impact

SB 491, as amended, adds a distribution of \$800,000 per year to the sexual assault medical forensic examination fund from the marijuana state special revenue account. As a result, the general fund revenue distribution out of the marijuana state special revenue account will decrease by \$800,000 each year beginning with FY 2025.

FISCAL ANALYSIS

Assumptions

Department of Justice

- According to data in the Montana Sexual Assault Kit Track System administered by Office of Victims Services (OVS), 402 sexual assault evidence kits were collected for victims in Montana in 2024: a 14% increase over 2023. DOJ does not have centralized data for the number of exams conducted in which a sexual assault evidence kit is not collected. However, a recent query of the six highest volume exam facilities in Montana found they conducted at least 270 sexual assault forensic exams in 2024 without collecting an evidence kit.
- As amended, SB 491 allocates \$800,000 per year, which is a sufficient amount of funding to allow DOJ to reimburse healthcare facilities for exams conducted with and without evidence kit collection as law enforcement agencies do under current law. As amended, SB 491 allows DOJ to use its existing rulemaking authority in 46-15-411, MCA, to establish updated sexual assault forensic exam reimbursement rates. Recent OVS analysis of invoices received for exams not reported to law enforcement between 2023 and February 2025 shows the average exam cost is \$2,090 and the median is \$1,093, well above the \$600 rate currently paid by the OVS Forensic Rape Examination Payment Programcagfbvztrg3WSQ medical facilities for the collection of sexual assault evidence kits during sexual assault medical forensic exams that are not reported to law enforcement.

3. OVS does not have a dedicated budget for payment of these exams and pays for them out of other state funds appropriated to the Crime Victims Compensation (CVC) Program at the expense of reimbursing crime victims for eligible crime-related expenses. SB 491 benefits the CVC Program and law enforcement agencies by creating a single payor system and providing a dedicated budget for payment of sexual assault medical forensic exams. In Fiscal Year 2024, OVS used CVC funds to pay medical facilities \$45,600 for 85 exams not reported to law enforcement. In Fiscal Year 2025, as of 4/16/25, OVS has used CVC funds to pay medical facilities \$36,000 for 60 exams not reported to law enforcement.
4. The bill's designation of the state as the single payor, will increase the number of reimbursements OVS would process to more than 700 per year. As amended, SB 491 allows DOJ to use monies in the new fund to acquire an electronic system to receive invoices and pertinent treatment records in a consistent, efficient, and secure manner nor does it include an FTE to manage the increased reimbursement processing in lieu of an electronic system. Without such allowance, the administrative burden significantly increases to process reimbursements.
5. As amended, SB 491 allows the use of the sexual assault medical forensic examination fund for the purchase and distribution of sexual assault evidence kits. OVS would no longer pay for the kits and their distribution out of other state funds appropriated to CVC to the benefit of reimbursing crime victims for other crime-related expenses. In Fiscal Years 2024 and 2025, OVS will pay between \$10,000 and \$12,000/year for the purchase and distribution of sexual assault evidence kits.
6. The maximum rate or cap other states pay for sexual assault medical forensic examinations is \$1,355 on average according to a 2024 U.S. Government Accountability Office report; the median is \$1,030.

Department of Revenue

7. SB 491, as amended, revises the distribution of revenue from the marijuana state special revenue account. The bill adds a distribution of \$800,000 per year to the sexual assault medical forensic examination fund established in this bill.
8. The distribution added by this bill occurs after the distributions to the other state special revenue accounts, prior to the distribution to the general fund of the remaining revenue. Therefore, assuming sufficient revenue collections, as are projected in HJ 2, this bill would reduce general fund revenue by \$800,000 each year and not impact other state special revenue account distributions.
9. The bill, as amended, is effective July 1, 2025, except the distribution is effective upon passage and approval so it is assumed that the new distribution and reduction in general fund revenue would begin in FY 2025.
10. The Department of Revenue would be able to make this change to the distribution each year without significant additional costs.

Fiscal Analysis Table

	<u>FY 2025</u> <u>Difference</u>	<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>
<u>Fiscal Impact</u>					
<u>Expenditures</u>					
Operating Expenses	\$0	\$800,000	\$800,000	\$800,000	\$800,000
TOTAL Expenditures	\$0	\$800,000	\$800,000	\$800,000	\$800,000
<u>Funding of Expenditures</u>					
State Special Revenue (02)	\$0	\$800,000	\$800,000	\$800,000	\$800,000
TOTAL Funding of Expenditures	\$0	\$800,000	\$800,000	\$800,000	\$800,000
<u>Revenues</u>					
General Fund (01)	(\$800,000)	(\$800,000)	(\$800,000)	(\$800,000)	(\$800,000)
State Special Revenue (02)	\$800,000	\$800,000	\$800,000	\$800,000	\$800,000
TOTAL Revenues	\$0	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u>					
State Special Revenue (02)	\$800,000	\$0	\$0	\$0	\$0
General Fund (01)	(\$800,000)	(\$800,000)	(\$800,000)	(\$800,000)	(\$800,000)

Effect on County or Other Local Revenues or Expenditures

Under SB 491, the state will now pay the cost of all sexual assault forensic examinations that are conducted in local communities, so local law enforcement will incur savings by not having to pay this cost.

NO SPONSOR SIGNATURE

4/22

Sponsor's Initials

Date



Budget Director's Initials

4/22/2025

Date



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Dedication of Revenue 2027 Biennium

17-1-507, MCA.

1. Are there persons or entities that benefit from this dedicated revenue that do not pay?

Yes

Marijuana tax revenue is directed to an account to be used for the payment of sexual assault medical examinations.

2. What special information or other advantages exist as a result of using a state special revenue fund that could not be obtained if the revenue were allocated to the general fund?

No

The examinations could be paid for and accounted for in the general fund.

3. Is the source of revenue relevant to current use of the funds and adequate to fund the program activity that is intended?

No

The source of revenue is not directly relevant to the use of the funds. At the current time it appears to be sufficient, however it is unknown if it would be sufficient in the future since the transfer of revenue does not increase over time.

4. Does the need for this state special revenue provision still exist?

Yes

If SB 491 is passed and it approved, it directs the revenue to the state special revenue account.

5. Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending?

No

No. The legislature could examine the use of the funds in the state special revenue account at any time.

6. Does the dedicated revenue fulfill a continuing, legislatively recognized need?

No

Yes. Existing statute provides for the sexual assault examinations. SB 491 just moves the responsibility for paying for the examinations from local law enforcement to the Department of Justice.

7. How does the dedicated revenue provision result in accounting/auditing efficiencies or inefficiencies in your agency? Also, if the program/activity were general funded, could you adequately account for the program/activity?

No

The expenditures could be properly accounted for either in the general fund or the state special revenue account.