



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: HB0452.01: Generally revise penalties for assaults against utility workers

Primary Sponsor: Gary Parry 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)	\$33,580	\$33,580	\$34,084	\$34,595
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u>(\$33,580)</u>	<u>(\$33,580)</u>	<u>(\$34,084)</u>	<u>(\$34,595)</u>
<b>General Fund Balance</b>				

#### Description of fiscal impact

HB 452 creates a new cause of action specifically for assault on an employee of a public utility. Most offenses committed under this statute could be charged under an existing statute. The exception to this is when an offender causes "serious bodily injury to a public utility employee." The offense for this specific instance changes from a misdemeanor to a felony and carries penalties starting at up to 8 years in a state prison and/or a fine not to exceed \$50,000. For purposes of this fiscal note it is assumed that one person would be convicted and sentenced under this new offence during the timeframe of this fiscal note.

### FISCAL ANALYSIS

#### Assumptions

##### Department of Corrections

1. HB 452 creates a new cause of action for assault on an employee of a public utility. The majority of offenses that could be charged under this statute are likely already being charged under existing assault statutes. The exception is when an offender causes "bodily injury to a public utility employee." Currently this constitutes misdemeanor assault (45-5-201(1)(a)), but HB 452 would make this a felony offense, which carries penalties starting at up to 8 years in a state prison and/or a fine not to exceed \$50,000.
2. The department assumes one conviction of "bodily injury to a public utility employee" during the timeframe of the fiscal note, resulting in one additional incarceration.
3. The individual could be represented by private council or a public defender.
4. The department assumes the sentence will last the duration of the time period reflected on the fiscal note.
5. Assuming a start date of July 1, 2025, in FY 2026 and FY 2027 the department would see a fiscal impact of \$33,580 (\$92/day x 365 days x 1 offender). An inflationary factor of 1.5% has been applied for FY 2028 and FY 2029.

**Office of Public Defender (OPD)**

6. OPD assumes that this new felony offense would largely overlap with the existing the felony offenses of Assault with a Weapon and Aggravated Assault, resulting in no additional cost to OPD.
7. OPD assumes that the only exception to this overlap would be that Assault on an Employee of a Public Utility would authorize a felony sentence for causing non-serious bodily injury to an employee of a public utility without use of a weapon, conduct that presently constitutes misdemeanor Assault under MCA 45-5-201(1)(d).
8. OPD assumes that increasing such non-weapon, non-serious bodily injury assaults from misdemeanor charges to felony charges would result in an additional 13 case weight hours per new felony case.
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. PD 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 new felony assault cases filed (unknown) times 13 hours per case times \$97.50 per hour.
12. Unfortunately, OPD has no data tracking whether assault conduct is against employees of public utilities and, thus, can make no assumptions regarding how many current misdemeanor assault cases would instead be brought as felony charges of Assault on an Employee of a Public Utility.
13. OPD, therefore, assumes no fiscal impact at this time.

**Fiscal Analysis Table****Department of Corrections**

	<b><u>FY 2026</u></b> <b><u>Difference</u></b>	<b><u>FY 2027</u></b> <b><u>Difference</u></b>	<b><u>FY 2028</u></b> <b><u>Difference</u></b>	<b><u>FY 2029</u></b> <b><u>Difference</u></b>
<b><u>Fiscal Impact</u></b>				
<b><u>Expenditures</u></b>				
Operating Expenses	\$33,580	\$33,580	\$34,084	\$34,595
<b>TOTAL Expenditures</b>	<b>\$33,580</b>	<b>\$33,580</b>	<b>\$34,084</b>	<b>\$34,595</b>
<b><u>Funding of Expenditures</u></b>				
General Fund (01)	\$33,580	\$33,580	\$34,084	\$34,595
<b>TOTAL Funding of Expenditures</b>	<b>\$33,580</b>	<b>\$33,580</b>	<b>\$34,084</b>	<b>\$34,595</b>
<b><u>Revenues</u></b>				
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b>				
General Fund (01)	(\$33,580)	(\$33,580)	(\$34,084)	(\$34,595)

Sponsor's Initials

Date

Budget Director's Initials

Date