

HOUSE BILL NO 439

Introduced: 01/21/83

Referred to Committee on Judiciary: 01/21/83

Hearing: 2/3/83

Report: 02/04/83, Do Not Pass

Bill Killed: 02/07/83

1 House BILL NO. 439
2 INTRODUCED BY Haus
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ABOLISH THE SENTENCE
5 REVIEW DIVISION OF THE MONTANA SUPREME COURT; REPEALING
6 SECTIONS 46-18-901 THROUGH 46-18-905, MCA."
7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 Section 1. Repealer. Sections 46-18-901 through
10 46-18-905, MCA, are repealed.

-End-

INTRODUCED BILL

HB 439

STATE OF MONTANA

REQUEST NO. 207-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 24, 19 83, there is hereby submitted a Fiscal Note for House Bill 439 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 239 abolishes the Sentence Review Division of the Montana Supreme Court.

ASSUMPTIONS:

- 1) Use Sentence Review Statistics for 1981 and 1982 as base.
- 2) The increase in cases heard between 1981 and 1982 to be constant through 1985.
- 3) The average percentage of sentences reduced as compared to cases heard to be constant through 1985.
- 4) Assume the same mix of dangerous and non-dangerous offender cases heard by the Sentence Review Board during the last quarter of 1982 remains constant through 1985. Average sentence reduction = 2.75 years for those inmates whose sentences were reduced.
- 5) Assume prison costs per day for FY 84 = \$34.59 and FY 85 = \$35.31.
- 6) Assume 89 cases in FY 84 and 217 cases in FY 85.

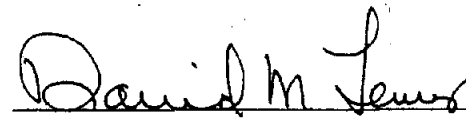
FISCAL IMPACT:

FY 84 = \$1,123,625.

FY 85 = \$2,796,696

The additional costs would be incurred since the Sentence Review Division, on the average, reduces inmates sentences by 2.75 years. (See assumption 4). However, if the division is abolished, with no additional procedures initiated by the Supreme Court, these inmates would have to stay at the prison that additional 2.75 years.

FISCAL NOTE 8:L/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-27-83