

2007 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 3515 **STATUS:** A Engrossed
SUBJECT: Creates crime of on-line corruption of a child.
GOVERNMENT UNIT AFFECTED: Oregon Judicial Department, Department of Corrections, Public Defense Services Commission
PREPARED BY: Tim Walker
REVIEWED BY: Robin LaMonte, Doug Wilson
DATE: May 7, 2007

	<u>2007-2009</u>	<u>2009-2011</u>
EXPENDITURES: See Comments		

EFFECTIVE DATE: January 1, 2008

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: This bill creates the crime of online sexual corruption of a child in the second degree, a class C felony, and online sexual corruption of a child in the first degree, a class B felony. The class C felony is punishable by a maximum 5 years imprisonment and a \$125,000 fine. The class B felony is punishable by a maximum of 10 years imprisonment and a \$250,000 fine. Both of these crimes require the offender to register as a sex offender.

The fiscal impact of this bill is indeterminate. This is a new crime and a history or this type of crime is not available, so predicting the number of potential offenders is not possible. It currently costs the Department of Corrections approximately \$29,000 a year to house and feed an inmate. It is conceivable that depending upon the amount of resources that local law enforcement applies to this crime, the fiscal impact to DOC and the court system could be substantial. Because of the severity of the sanctions associated with this crime, it is not clear how many defendants may choose to plea bargain to a lesser charge or choose a jury trial. A plea bargain may result in a lesser sanction or probation and thus resulting in lower costs to courts and a jury trial could potentially increase the costs to the court system. It is certain that this bill would result in higher expenditures to the public safety system, but the magnitude of the increase is not known.

The Legislative Fiscal Office believes this measure warrants a subsequent referral to the Joint Committee on Ways and Means for consideration of the budgetary impact to the State's General Fund.