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

MEASURE NUMBER: SB 276 STATUS: A Engrossed

SUBJECT: Approves changes to the Criminal Justice Commission's sentencing grid.

GOVERNMENT UNIT AFFECTED: Criminal Justice Commission, Department of Corrections,

Oregon Judicial Department **PREPARED BY:** Tim Walker

REVIEWED BY: Doug Wilson, Robin LaMonte

DATE: May 10, 2007

		2007-2009	<u>2009-2011</u>
EXPENDITURES:			
Department of Corrections (General Fund)	\$		\$
Prison Beds	\$	1,344,554	\$ 3,405,114
Post Prison Supervision	\$	8,331	\$ 517,157
	\$ _	1,352,885	\$ 3,922,271

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 approves changes made to OAR 213-004-0001 (sentencing grid) by the Criminal Justice Commission (CJC). The changes could allow a judge to consider the risk a defendant presents in re-offending when sentencing the defendant.

The changes to the sentencing grid would affect boxes 3-A, 3-B, 4-A, 4-B, 4-C, 5-C, 4-D, 5-D, 4-E, and 5-E. The changes to these grid blocks include adding the ability to sentence a defendant to 12 months and a day in prison. When sentencing, a judge may choose between a presumptive probationary sentence and a presumptive prison sentence using a number of factors including the defendant's risk of reoffending. The 12 month and a day sentence would send the defendant to the state prison system instead of a county jail. In calendar year 2006, there were 791 offenders in the ten grid blocks that are affected by the changes. Of those 791, 131 are currently being sentenced to prison and will continue to go to prison. Of the remaining 660 offenders, 15% would likely be labeled high risk and sent to prison for 12 months and a day. This would add 59 offenders per year to prison.

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