

**74<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2007 Regular Session  
BUDGET REPORT AND MEASURE SUMMARY**

**MEASURE: SB 5507-A**

**JOINT COMMITTEE ON WAYS AND MEANS**

**Carrier – House: Rep. Nathanson  
Carrier – Senate: Sen. Brown**

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**Action:** Do Pass as Amended and Be Printed A-Engrossed

**Vote:** 21 – 0 – 0

House – Yeas: D. Edwards, Galizio, Garrard, Hanna, Jenson, Morgan, Nathanson, Nolan, Shields

– Nays:

– Exc:

Senate – Yeas: Bates, Carter, Devlin, Gordly, Johnson, Morse, Nelson, Schrader, Verger, Westlund, Whitsett, Winters

– Nays:

– Exc:

**Prepared By:** Linda Gilbert, Department of Administrative Services

**Reviewed By:** Doug Wilson, Legislative Fiscal Office

**Meeting Date:** 6/15/07

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**Agency**

Criminal Justice Commission

**Budget Page**

D-7

**LFO Analysis Page**

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**Biennium**

2007-09

**Senators:** Bates, Carter, Devlin, Gordly, Johnson, Morse, Nelson,  
Schrader, Verger, Westlund, Whitsett, Winters

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Senator Kurt Schrader, Co-Chair

**Representatives:** D. Edwards, Galizio, Garrard, Hanna, Jenson,  
Morgan, Nathanson, Nolan, Shields

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Representative Mary Nolan, Co-Chair

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Representative Chip Shields, Public Safety Subcommittee Chair

## **Budget Summary\***

	2005-07		2007-09		Percentage Committee
	Legislatively Approved Budget (1)	Governor's Budget	Committee Recommendation	Difference from Governor's Budget	Change from Governor's Budget
General Fund	\$ 3,655,061	\$ 6,474,041	\$ 7,389,408	\$ +915,367	+14.1%
Other Funds	106,541	3,630,475	1,034,949	-2,595,526	-71.5%
Federal Funds	101,293	100,000	100,000	0	0.0%
Total	\$ 3,862,895	\$ 10,204,516	\$ 8,524,357	\$ -1,680,159	-16.5%

## **Position Summary**

Authorized Positions	6	6	6	0
Full-time Equivalent (FTE) Positions	6.00	6.00	6.00	0.00

(1) Includes adjustments through the December 2006 meeting of the Emergency Board

\* Excludes Capital Construction expenditures

## **Summary of Revenue Changes**

The Criminal Justice Commission's budget is 86.7 percent General Fund. Other Funds are supplied by asset forfeiture collections and identified uncommitted Justice Assistance Grants presently with Oregon State Police. Revenues anticipated in the Governor's Recommended Budget from the Oregon Liquor Control Commission via the Department of Human Services are not part of the Legislatively Adopted Budget. The Commission receives federal grant revenues from the U.S. Department of Justice to support the Statistical Analysis Center. Revenues are anticipated to remain stable from this source through the 2007-09 biennium at \$100,000.

## **Summary of Subcommittee Action**

The Criminal Justice Commission (Commission) was created in 1995 and replaced the Criminal Justice Council. Seven members are appointed by the Governor, subject to confirmation by the Senate, and the other two Commission members (non-voting) are legislators. Historically, the Commission had two major program areas, but with the 2005 transfer of the Juvenile Crime Prevention grants to the State Commission on Children and Families the Commission's primary focus has returned to developing and maintaining a state criminal justice policy and comprehensive long-range plan for the state's criminal justice system. Most of the funding is for grants for local drug courts. Specifically, the Commission:

- staffs and supports the Commission in its functions relating to state criminal justice policy and administering the state's sentencing guidelines;
- administers a drug court start-up or expansion grant program begun in 2006;

- provides data and other information on criminal justice issues to legislators, state and federal agencies, and the public including the activities of the Statistical Analysis Center;
- provides technical assistance to local public safety coordinating councils;
- staffs the Forfeiture Oversight Advisory Committee;
- administers the Law Enforcement Contacts Policy and Data Review program which reviews demographic data to ensure that law enforcement agencies perform their missions without inequitable or unlawful discrimination based on race, color, or national origin; and
- coordinates calculation of the fiscal impact of crime-related legislation/ballot measures among state and local public safety agencies.

The Joint Committee on Ways and Means Public Safety Subcommittee approved a budget of \$8.5 million total funds and six positions (6.00 full-time equivalent) for the Commission. This is an increase of \$2.0 million total funds or 30.9 percent from the Commission’s Essential Budget Level.

Package 101: Sustain Drug Court Funding. The 2005 Legislature established a grant program for new or expanding drug courts funded with General Fund resources as part of the legislative Methamphetamine package. At the same time, the Executive Branch identified one-time federal funding (Byrne grants) that was available for related grants for drug courts. The Essential Budget Level provided the funding to continue the General Fund related drug court program and this package addresses the funding necessary to continue the federally funded grant program. The Governor proposed using \$3.5 million of Other Funds resources transferred from the Oregon Liquor Control Commission through the Department of Human Services. The Subcommittee approved this package providing \$1.5 million total funds to continue these federally supported grants through the end of the 2007-09 biennium. \$528,116 is General Fund and the remaining \$1,002,449 is Other Funds expenditure limitation that assumes the use of uncommitted Federal Fiscal Year 2006 Justice Assistance Grant (JAG) funds. The funds are received by Oregon State Police Criminal Justice Services Division as federal funds and would be passed through to the Commission and spent as Other Funds. Final allocation of the JAG funds is subject to the approval of the Governor’s office. In addition, \$500,000 General Fund is added to expand this grant program. The following table summarizes the Subcommittee’s action.

Continuation of 2005-07 Federally Funded Drug Court Grants	
\$ 3,029,649	Total need for 2007-09
\$ (1,499,084)	less first year 2007-09 already committed
\$ 1,530,565	equals second year backfill need
\$ (1,002,449)	Federal Justice Assistance Grants
\$ 528,116	Remaining shortfall - Subcommittee approved General Fund
\$ 500,000	Additional Subcommittee approved General Fund for program expansion
\$ 3,529,649	Total 2007-09

The intent of the Drug Court grant program, established by the 2005 Legislature, was to create new drug courts or expand the capacity of existing courts. While initially funded by this grant program, at some point the recipient courts are expected to either find other sources of funding or become part of the ongoing budget. The Commission is not an agency that generally administers ongoing programs and is not the proper long-term host of an ongoing line program. In addition, there are other drug courts whose funding comes from the Oregon Judicial Department, Department of Human Services, counties, and other sources. Based on these findings, the Subcommittee included the following budget note:

### **Budget Note**

The Criminal Justice Commission, Oregon Judicial Department and the Department of Human Services are instructed to develop a long-term plan for the administration of the drug courts and related services currently funded through the Commission's grant programs. The plan must address (1) whether the programs initially funded as grants should be transitioned into an ongoing program, (2) the current legal authority of the potential host agencies, and (3) the operation of the current drug courts not funded through this grant program. The agencies are to report on the plan to the Emergency Board or to a meeting of the interim Joint Committee on Ways and Means. The development of the 2009-2011 Governor's Recommended Budget should take into account this long-range plan for the administration of the drug courts.

The Subcommittee approved Package 102: Research Position FTE Increase. The package increases the full-time equivalency from 0.25 to 1.00 for the Commission's Research Analyst 2 position and covers associated Services and Supplies expense. This position had been reduced during 2005-07 to partially finance a reclassification of another position. Both this package and the reclassification in 2005-07 were designed to increase the analytical skills of the Commission staff.

The Subcommittee added Package 810: Law Enforcement Contacts Committee Funding. The Commission has had funding for the activities relating to the Law Enforcements Contacts Policy and Data Committee. The Commission has contracted with Portland State University (PSU) to perform these activities. PSU has identified alternative funding for this function so the General Fund in the Commission's budget is not required for this function. In addition, House Bill 2102 transfers the formal administration of this program to PSU.

The Subcommittee also added Package 811: Position Funding. A small portion of package 101 had provided other fund resources to fully fund the cost of the position responsible for administering and evaluating the drug court grant program. Package 101 used all available resources for grants, so \$22,975 General Fund is included in this package to fully fund this position.

The Subcommittee also discussed the Commission's responsibility to coordinate the efforts of multiple public safety agencies. The Commission's staff can assist by leading a workgroup to develop a process for determining mandated caseload adjustments for public safety and other related agencies for the budget process. The following budget note is included for Commission direction:

## **Budget Note**

The Criminal Justice Commission, in coordination with the Legislative Fiscal Office and the Department of Administrative Services, is directed to take the lead in coordinating an interim work group including the Oregon Judicial Department, the Public Defense Services Commission, the Department of Justice, and the Department of Human Services to develop a process for determining mandated caseload adjustments in public safety-related agencies. The determination of the mandated caseloads of the Department of Corrections and the Oregon Youth Authority should continue under their current processes. The work group is instructed to determine: 1) based on Department of Administrative Services budget development instructions, the types of cases that would be included in the mandated caseload definition for each agency; 2) the methodology for forecasting caseload, including consultation with the Office of Economic Analysis and other state forecasting offices; and 3) what extraordinary cost adjustments would be appropriate based on the particular needs of individual agencies. Once these determinations have been made, the work group will develop a projected 2009-11 mandated caseload for each agency and identify the projected cost. The Commission and the agencies are to provide a draft report on mandated caseload projections and costs to the Emergency Board or to a meeting of the interim Joint Committee on Ways and Means, for review and approval by no later than July 2008. The Commission will also report to the 2009 Joint Committee on Ways and Means on the mandated caseload budget.

## **Summary of Performance Measure Action**

See attached Legislatively Adopted 2007-09 Key Performance Measures form.