

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

MEASURE NUMBER: HB 2379

STATUS: Original

SUBJECT: Allows District Attorneys to treat unlawful possession of heroin or 3,4-methylenedioxymethamphetamine as a Class A misdemeanor.

GOVERNMENT UNIT AFFECTED: Department of Justice, Oregon Judicial Department, Criminal Justice Commission, Public Defense Services Commission

PREPARED BY: Tim Walker

REVIEWED BY: Doug Wilson, Robin LaMonte

DATE: February 20, 2007

2007-2009

2009-2011

EXPENDITURES:

See Comments

REVENUES:

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 will allow a District Attorney to treat the crime of unlawful possession of heroin or 3,4-methylenedioxymethamphetamine as a Class A misdemeanor instead of a Class B felony. This would have the possible effect of more unlawful possession charges being treated as a misdemeanor instead of a felony. According to Oregon Judicial Department (OJD) and Public Defense Services Commission (PDSC), there would be cost avoidance in allowing a defendant to be prosecuted for a lesser crime. According to PDSC, the difference in defending a misdemeanor and defending a Class B felony is \$274. OJD may realize a similar savings in cost avoidance. This crime of unlawful possession is a level 1 crime seriousness on the sentencing guidelines grid and would generally result in a sentence of probation instead of jail or prison. Since this crime does not result in jail or prison time, there would be no prison bed impact by changing the charge from a felony to a misdemeanor. There would be no prison bed impact. What is not known is how many Class B felony unlawful possession cases would be treated as Class A misdemeanors.