

2008 Special Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: SB 1095

STATUS: A Engrossed

SUBJECT: Increases the minimum security release amount for certain methamphetamine related crimes to \$500,000.

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

PREPARED BY: Tim Walker

REVIEWED BY: Robin LaMonte and Doug Wilson

DATE: February 19, 2008.

<CORRECTED>

EXPENDITURES:

See Below

2007-2009

2009-2011

EFFECTIVE DATE:

INTERIM JOINT COMMITTEE ON WAYS AND MEANS: The budgetary impact of this bill was not reviewed by the Interim Joint Committee on Ways and Means Committee and is not included in the omnibus budget bill to be introduced by the committee.

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.

ANALYSIS: *This fiscal impact statement was corrected to reflect the number of cases expected due to the provisions of this bill.* This bill increases the minimum security release amount (bail) to \$500,000 in cases where delivery, possession or manufacture of methamphetamine of certain amounts is alleged to have occurred. In addition, the bill provides for procedures for the court to reduce the security release amount after making certain findings.

The Oregon Judicial Department (OJD) estimates that in the first three quarters of 2006, the most recent data available, approximately **1,500** cases would be subject to the increased security release amount. Annualized this would be approximately **2,000** cases per year. It is anticipated few of the individuals subject to this increased security amount could actually generate the requisite amount to gain release. This could increase the number of petitions for a speedy trial, which in turn, will delay the resolution of cases where the defendant has waived their right to a speedy trial, as well as civil, domestic relations, and juvenile dependency cases. It is not possible to estimate the increase in the number of petitions for speedy trial or the amount of delay in other cases that this might generate. It is also possible that this increase may be partially offset by increased plea bargains. The Department of Justice does not anticipate a fiscal impact due to this bill. The Public Defense Services Commission anticipates some increased costs due to the increase in requests for pre-trial release hearings.

There may be a fiscal effect on local jails. If defendants cannot generate the minimum security release amount, 10% of the security amount, then they would have to be held in jail until their trial. If the local jails have the room they could keep these individuals in the jail with the accompanying increased cost of additional jail beds. If the local jail does not have the requisite space for these individuals, then they would have to matrix out other offenders to make room. In a study done recently, the average cost for a

jail bed, statewide, was \$105 per day. It is not possible to accurately project the net jail bed impact, because it is difficult to predict how local jails will manage their populations.