

**75th OREGON LEGISLATIVE ASSEMBLY – 2009 Regular Session
BUDGET REPORT AND MEASURE SUMMARY**

MEASURE: HB 5053-A

JOINT COMMITTEE ON WAYS AND MEANS

**Carrier – House: Rep. Barker
Carrier – Senate: Sen. Verger**

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

Vote: 19 – 1 – 2

House – Yeas: Buckley, C. Edwards, D. Edwards, Galizio, Garrard, Jenson, Kotek, Nathanson, Richardson, Shields

– Nays: Gilman

– Exc: G. Smith

Senate – Yeas: Carter, Girod, Johnson, Monroe, Nelson, Verger, Walker, Whitsett, Winters

– Nays:

– Exc: Bates

Prepared By: Linda Gilbert, Department of Administrative Services

Reviewed By: Doug Wilson, Legislative Fiscal Office

Meeting Date: June 18, 2009

<u>Agency</u>	<u>Budget Page</u>	<u>LFO Analysis Page</u>	<u>Biennium</u>
Department of Corrections	D-4	113	2009-11
Department of Justice	D-12	136	2009-11
Oregon Youth Authority	D-17	189	2009-11
District Attorneys and Their Deputies	D-10	133	2009-11
Criminal Justice Commission	D-8	131	2009-11
Department of State Police	D-20	169	2009-11
Department of Public Safety Standards and Training	D-23	186	2009-11
Public Defense Services Commission	K-6	512	2009-11
Oregon Judicial Department	K-3	496	2009-11

Budget Summary*

	2007-09 Legislatively Approved Budget (1)		2009-11 Essential Budget Level		2009-11 Committee Recommendations		Committee Change From 2007-09 Leg. Approved		
							\$\$ Change	% Change	
<u>Public Safety and Judicial Program Areas</u>									
<u>Department of Corrections</u>									
General Fund	\$	0	\$	0	\$	17,158,316	\$	17,158,316	100.0%
<u>Department of Justice</u>									
General Fund	\$	0	\$	0	\$	2,971,639	\$	2,971,639	100.0%
<u>Oregon Youth Authority</u>									
General Fund	\$	0	\$	0	\$	23,612,265	\$	23,612,265	100.0%
<u>District Attorneys and Their Deputies</u>									
General Fund	\$	0	\$	0	\$	456,835	\$	456,835	100.0%
<u>Criminal Justice Commission</u>									
General Fund	\$	0	\$	0	\$	1,553,207	\$	1,553,207	100.0%
<u>Department of State Police</u>									
General Fund	\$	0	\$	0	\$	12,151,578	\$	12,151,578	100.0%
<u>Department of Public Safety Standards and Training</u>									
General Fund	\$	0	\$	0	\$	1,056,000	\$	1,056,000	100.0%
<u>Public Defense Services Commission</u>									
General Fund	\$	0	\$	0	\$	1,105,814	\$	1,105,814	100.0%
<u>Oregon Judicial Department</u>									
General Fund	\$	0	\$	0	\$	131,064	\$	131,064	100.0%
General Fund Total	\$	0	\$	0	\$	60,196,718	\$	60,196,718	100.0%
Other Funds Total	\$	0	\$	0	\$	0	\$	0	
Federal Funds Total	\$	0	\$	0	\$	0	\$	0	

* Excludes Capital Construction

Position Summary

	2007-09 Legislatively Approved Budget (1)	2009-11 Essential Budget Level	2009-11 Committee Recommendations	Committee Change From 2007-09 Leg. Approved	
				\$\$ Change	% Change
<u>Department of Corrections</u>					
Authorized Positions	0	0		3	
Full-time Equivalent (FTE) positions	0.00	0.00		3.00	
<u>Department of Justice</u>					
Authorized Positions	0	0		3	
Full-time Equivalent (FTE) positions	0.00	0.00		2.42	
<u>Oregon Youth Authority</u>					
Authorized Positions	0	0		86	
Full-time Equivalent (FTE) positions	0.00	0.00		127.88	
<u>Department of State Police</u>					
Authorized Positions	0	0		51	
Full-time Equivalent (FTE) positions	0.00	0.00		51.00	
<u>Department of Public Safety Standards and Training</u>					
Authorized Positions	0	0		5	
Full-time Equivalent (FTE) positions	0.00	0.00		4.20	

Summary of Public Safety Subcommittee Action

House Bill 5053 appropriates General Fund to a number of public safety programs. These appropriations are contingent on the passage of House Bill 3508 which provides savings to the Department of Corrections through the phase-in of Ballot Measure 57 (2008), changes in community corrections related sentences, an increase in earned time for specific offenders, and other changes that reduces the need for prison beds and estimated community corrections caseloads during 2009-11. If the bill does not become law, approximately \$34.1 million of the funds appropriated in this bill are assumed to be reduced from the Co-chairs' budget level. The other \$26.1 million represents funding over and above the amount in the Co-chairs' budget. The programs funded in this bill are described below agency by agency.

Department of Corrections

The Subcommittee appropriated a total of \$17.2 million General Fund to the Department of Corrections (DOC). The Operations Division was appropriated \$8.0 million for the operation of the prisons, and without this bill, this amount will be reduced from the level in the Co-chairs' budget. New General Fund resources over and above the Co-chairs' budget included (1) \$1.9 million for cognitive and educational program

funding in the Transitional Services Division, (2) \$1.0 million for training correctional officers (3 positions/3.0 FTE), and (3) \$5.9 million in funding for community corrections grants to counties. The funding for training is part of a transfer for responsibility of training DOC correctional officers from the Department of Public Safety Standards and Training (DPSST) and includes additional resources for training staff at DOC and for paying DPSST for training early in the 2009-11 biennium.

To fund the costs of the increased penalty for the crime of strangulation from a misdemeanor to a Class C felony in HB 3508, the agency is appropriated \$308,040 General Fund with \$137,283 directed to the Operations Division and \$170,757 for community corrections grants to counties. Another \$63,509 General Fund is appropriated for the prison bed costs of the increase in the penalty from a Class C felony to a Class B felony for assault in the third degree where the assault resulted from the defendant driving under the influence of intoxicants.

Department of Justice

A total of \$3.0 million General Fund is appropriated by the Subcommittee to the Department of Justice. Crime victims' programs receive \$1 million of this total amount which is assumed to be reduced from the Co-chairs' budget if this bill does not take effect. In addition the remaining \$2.0 million General Fund is funding over and above the amount assumed in the Co-chairs' budget adding funds for criminal intelligence activities and assistance to District Attorneys in the Criminal Justice Division (\$947, 771 and 3 positions/2.42 FTE); and for crime victims' programs (\$1.0 million).

Oregon Youth Authority

The Subcommittee appropriated a total of \$23.6 million General Fund to the Oregon Youth Authority. Over \$15 million of this total amount represents program resources which will be cut from the agency's Co-Chairs' budget if this bill does go into effect. This includes (1) \$7 million for eliminating 76 close custody beds at Hillcrest (57 positions and 50.88 FTE); (2) \$0.8 million for reducing Multnomah County Gang funding by 20%; (3) \$6.2 million for closing the 50-bed Eastern Oregon Youth Correctional Facility in Burns effective September 2009 (0 positions, 39.87 FTE); and (4) \$1.3 million for cutting parole and probation staffing effective September 2009 (0 positions, 8.63 FTE).

The remaining \$8.3 million General Fund goes to add resources over and above the Co-Chairs' budget including (1) \$2.7 million to restore 58 community placements; (2) \$3.2 million to buyback 25 close custody beds (23 positions and 23.00 FTE); and (3) \$1.6 million to restore cuts made to the Juvenile Crime Prevention and Diversion programs; and (4) \$0.8 million to restore 6 positions (5.50 FTE) in parole and probation.

District Attorneys and Their Deputies

The Subcommittee appropriated \$456,835 General Fund over and above the amount for the District Attorneys and Their Deputies assumed in the Co-chairs' budget. This amount is for payments to counties to assist in prosecution costs including deputy district attorney compensation.

Criminal Justice Commission

Funding for drug court grants totaling \$1.6 million General Fund is appropriated to the Criminal Justice Commission. Of this total General Fund amount, \$700,000 represents funding that will be reduced from the agency budget assumed in the Co-chairs' budget if this bill does not take effect with the remaining \$853,207 adding to the amount assumed in the Co-chairs' budget. These additional resources will bring the grant program back to the Essential Budget Level.

Department of State Police

A total of \$12.2 million General Fund is appropriated by the Subcommittee to the Oregon State Police. Over \$8.1 million of this total amount represents resources which will be cut from the agency's Co-chairs' budget if this bill does not take effect. This includes (1) just less than \$2.0 million for the Forensics Division (11 positions/11.0 FTE); (2) funding of \$913,280 for 4 trooper positions (4.0 FTE) in the Fish and Wildlife Division; and (3) over \$5.2 million for the Criminal Division which funds 21 detective positions for the drug enforcement unit and the major crimes unit. Without this \$5.2 million for the Criminal Division it is likely that the agency will have to layoff sworn staff since there are not sufficient vacant positions to eliminate. Another \$4.0 million General Fund represents program funding over and above the amount assumed in the Co-chairs' budget including \$1.5 million to fund 8 detective positions (8.0 FTE) in the Criminal Division and another \$2.5 million for 7 positions (7.0 FTE) in the Forensics Division and supplies for the crime lab system.

Department of Public Safety Standards and Training

The Subcommittee appropriated \$1.1 million (5 positions/4.20 FTE) to the Department of Public Safety Standards and Training for adding two more basic police or law enforcement classes to the current 14 assumed in the Co-chairs' budget. This will address a concern of the Subcommittee that the 14 classes may not be sufficient to train new law enforcement officers that will be hired in 2009-11 including those that might be supported through resources provided through the federal stimulus funding.

Public Defense Services Commission

A total of \$1.1 million General Fund was appropriated by the Subcommittee to the Public Defense Services Commission of which \$1.0 million is for the Public Defense Services Account which is assumed to be reduced from the Co-chairs' budget if this bill does not take effect. The remainder is for the fiscal impact of two changes in penalties for crimes included in House Bill 3508. The increase in the penalty from a Class C felony to a Class B felony for assault in the third degree where the assault resulted from the defendant driving under the influence of intoxicants is expected to add \$74,000 in costs to the agency. To fund the costs of the increased penalty for the crime of strangulation from a misdemeanor to a Class C felony in HB 3508, the agency is appropriated \$31,814 General Fund.

Oregon Judicial Department

The Subcommittee appropriated \$131,064 to fund the costs of the increased penalty for the crime of strangulation from a misdemeanor to a Class C felony. This change in the penalty for this crime is found in HB 3508.