

2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2263 **STATUS:** Original
SUBJECT: Expands kidnapping in first degree to include kidnapping with purpose of committing sex crime against victim who is under 12 years of age.
GOVERNMENT UNIT AFFECTED: Department of Corrections, Oregon Judicial Department, District Attorneys and Public Defense Services Commission
PREPARED BY: Tim Walker
REVIEWED BY: Doug Wilson and John Borden
DATE: February 16, 2009

EXPENDITURES: See analysis.	<u>2009-2011</u>	<u>2011-2013</u>
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EFFECTIVE DATE: January 1, 2010

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.

ANALYSIS: This bill expands the crime of kidnapping in the first degree to include kidnapping with the purpose of committing a sex crime against a victim who is under the age of 12 years old. Under current law this crime would most likely be charged as a Kidnapping 2, a class B felony, with a sentence of 70 months (5 years and 10 months). This bill would change the crime to Kidnapping 1, a class A felony, with a sentence of 300 months (25 years). The fiscal impact of this bill would not be seen until after the offender had served 5 years and 10 months and started serving the additional sanction of 18 years and two months.

Due to the severity of the sanctions, more defendants may choose to go to trial, thereby increasing costs for the courts and Public Defense Services Commission. The severity of the sanctions may also give prosecutors greater leverage in plea bargain negotiations. Because conviction history does not track the victim’s age, it is difficult to estimate the number of crimes that include a victim under the age of twelve. Since 2006, there have not been any convictions under Jessica’s Law with Kidnapping 1 as the sole charge. Due to the inability to accurately estimate the number of convictions per year that would result from this bill, it is not possible the estimate the cost of this bill with any degree of certainty.