

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

MEASURE NUMBER: HB 2352

STATUS: A Engrossed

SUBJECT: Directs the Criminal Justice Commission to prepare racial and ethnic impact statements under certain circumstances.

GOVERNMENT UNIT AFFECTED: Criminal Justice Commission, Board of Parole and Post-Prison Supervision, Department of Corrections and Secretary of State.

PREPARED BY: Tim Walker

REVIEWED BY: Daron Hill, Doug Wilson, and Erica Kleiner

DATE: May 18, 2009

2009-2011

2011-2013

EXPENDITURES:

See Analysis.

EFFECTIVE DATE: January 1, 2010

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 would require the Criminal Justice Commission (CJC) to prepare racial and ethnic impact statements for any legislation or state measures that may affect the criminal offender population. In addition, the bill requires the Board of Parole and Post-Prison Supervision (BPPPS) and the Department of Corrections (DOC) to consider the racial and ethnic profile of crime victims and persons on parole or post-prison supervision when adopting rules.

This measure has an indeterminate impact due to the uncertainty of how many bills will be introduced during the course of a session and how many ballot measures or referrals will occur. Therefore, the agencies affected by this bill may require a budget adjustment, by the current Legislature, the Emergency Board, or a future Legislature, if the agency's budgeted resources prove insufficient to cover the actual cost of this measure.

The racial and ethnic impact statement would estimate the change in the racial and ethnic profile of the state's criminal offender population and the affect on the racial and ethnic profile of victims due to proposed legislation. The impact statement would also include a statement on the methodologies and assumptions used to develop the impact statement.

The impact statement would include demographic and statistical data provided by CJC and other public safety partners. CJC would be responsible for analyzing the information and preparing the racial and ethnic impact statements. CJC estimates that it would require one Economist 4 (1.00 FTE) to prepare the racial and ethnic impact statements during a typical session. The actual amount of work that these impact statements require is unknown since one has never been prepared. CJC may have to prioritize their workload based on the amount of work required. The resource requirements will vary depending upon whether or not the Legislative Assembly moves to yearly sessions.

CJC would also be required to provide impact statements to the Secretary of State for inclusion in the voter's pamphlet of any approved ballot measures or initiatives. The Secretary of State would be

required to hold a hearing to receive suggestions for changes, or additional information, to the impact statement. This would be similar to the process the Secretary of State uses for hearings on the fiscal impact of ballot measures or initiatives and the additional review of racial and ethnic impact statements could be incorporated into the current process. The bill also provides that any person who alleges that the statement was prepared, filed or certified in violation of the procedures outlined, may petition the Circuit Court for Marion County review. If the court finds in favor of the plaintiff, CJC would be required to submit a second impact statement that reflects decision of the court. The Secretary of State anticipates voter's pamphlet printing costs of \$21,732 for four measures.

BPPPS and DOC would be required to consider the racial and ethnic impact on crime victims, persons on parole or post-prison supervision, and offender population of any applicable rules adopted. BPPPS and DOC do not have sufficient information about the additional workload requirements to understand the full impact of the provisions of this bill.