

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

MEASURE NUMBER: HB 2447 **STATUS:** A Engrossed
SUBJECT: Increases the penalty for the crime of strangulation.
GOVERNMENT UNIT AFFECTED: Department of Corrections, Oregon Judicial Department and Public Defense Services Commission
PREPARED BY: Tim Walker
REVIEWED BY: Doug Wilson and John Borden
DATE: May 4, 2009

EXPENDITURES:	<u>2009-2011</u>	<u>2011-2013</u>
Department of Corrections		
Prison Costs – General Fund	\$ 137,283	\$ 538,877
Community Corrections – General Fund	\$ 170,757	\$ 432,446
Public Defense Services Commission – General Fund	\$ 31,814	\$ 42,418
Oregon Judicial Department – General Fund	\$ 131,064	\$ 174,752
Total	\$ 470,918	\$ 1,188,493

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 would increase the crime of strangulation from a misdemeanor to a Class C felony and extend the statute of limitations for this crime.

The Department of Corrections (DOC) estimates the need for two additional prison beds in the 2009-11 biennium, nine beds in 2011-13 and ten beds in 2013-15 at a cost of \$550,490. In addition, DOC anticipates increased costs for community corrections due to increases in probation sentences. In general, 19% of Class C felonies for assault result in a prison sentence of 20 months and the balance of the cases result in probation. The average probation sentence is one year.

The Public Defense Services Commission (PDSC) estimates an average of 127 cases per year that would qualify for this sanction. It costs PDSC an additional \$167 to defend a Class C felony over a misdemeanor. The estimated annual impact is \$21,209.

The Oregon Judicial Department (OJD) estimates that a felony trial costs \$344 more than a trial for a misdemeanor. It is assumed that as sanctions increase, the likelihood of a trial increase and the prospect of increased filings and appeals also increase, as does the possibility of pleading to a lesser crime. OJD has used PDSC’s estimates to generate the additional costs that the courts may incur.