

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

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**MEASURE NUMBER:** HB 2476                      **STATUS:** Original  
**SUBJECT:** Creates sentencing enhancement for certain sex crimes.  
**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:** March 10, 2009

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	<u>2009-2011</u>	<u>2011-2013</u>
<b>EXPENDITURES:</b>		
Department of Corrections – General Fund		
Prison Cost	\$ 86,988	\$ 311,708
Probation Cost	\$ 30,661	\$ 167,379
Oregon Judicial Department – General Fund	\$ 12,900	\$ 17,200
Public Defense Services Commission – General Fund	\$ 6,262	\$ 8,350
<b>Total</b>	\$ 136,811	\$ 504,637

**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 provides a sentencing enhancement in the case of sexual abuse in the second degree when the offender is over 21 years of age and is, or has been, the coach of the victim. The bill also designates sexual abuse in the second degree a Class C felony, with a crime seriousness level of 8, when committed under these circumstances.

The Criminal Justice Commission estimates that due to the provisions of the bill that elevate sexual abuse in the second degree, a Class C felony, from a crime seriousness level 7 to 8, would result in 10 convictions per year. Of these offenders, 33% would receive prison sentences of 18 months and the balance would receive probation for three years. Moving a sexual abuse III, Class A misdemeanor, to a sexual abuse II, a Class C felony, could result in an additional 14 convictions per year. Of these offenders, 10% would receive a prison sentence of 18 months and the other 90% would receive 3 years of probation.

The Department of Corrections estimates the need for an additional two prison beds in 2009-11, at a cost of \$86,988, an additional five beds in 2011-13 at a cost of \$311,708, and the prison bed impact would level off in 2013-15 at six beds at a cost of \$313,930. The probation costs in 2009-11 would be \$30,661, in 2011-13 it would be \$167,379 and in 2013-15 the cost would be \$221,306. Community corrections departments of counties are paid to supervise offenders sentenced to probation and the state pays according to the level of risk the offender presents. There are two counties that do not participate and the state is responsible for the costs associated with supervision of offenders sentenced to probation.

The Oregon Judicial Department (OJD) estimates that to conduct a felony trial costs and additional \$344 more than a misdemeanor trial. OJD also estimates an additional 25 trials a year at cost of \$8,600. The Public Defense Services Commission estimates that a felony trial cost an additional \$167 over a misdemeanor trial and this would result in an additional \$4,175 per year in defense counsel costs.