

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

MEASURE NUMBER: HB 2477 **STATUS:** A Engrossed
SUBJECT: Modifies crime of invasion of personal privacy.
GOVERNMENT UNIT AFFECTED: Department of Corrections, Oregon Judicial Department, and Public Defense Services Commission
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REVIEWED BY: Doug Wilson and John Borden
DATE: April 29, 2009

	<u>2009-2011</u>	<u>2011-2013</u>
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 modify the crime of invasion of privacy by increasing the sanction from a Class A misdemeanor to a Class C felony, a \$125,000 fine or both. In addition, the offender would be required to register as a sex offender.

This measure has an indeterminate impact due to the uncertainty of how many arrests will occur due to the provisions of this bill and in turn how many offenders may go to trial and ultimately be convicted and sentenced according to the provisions of this bill. 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 Department of Corrections estimates that in the 2009-11 biennium this bill would create the need for one additional bed at a cost of \$42,126, three beds in 2011-13 at a cost of \$178,348 and will level off in 2013-15 at three beds at a cost of \$185,811. This crime would be charged as a Felony C at crime seriousness level of 6 with a presumptive sentence of 22 months.

The Public Defense Services Commission (PDSC) estimates an average of 14 cases per year. The difference in cost between defending a misdemeanor versus a felony is \$167. This would result in an additional \$2,338 per year in defense costs. The requirement to register as a sex offender would result in 10 additional charges of failure to register at an additional cost of \$4,382 per year. In addition, PDSC anticipates additional probation violations.

The Oregon Judicial Department estimates that the cost difference between a misdemeanor and a felony is \$344. This could result in an additional \$9,632 per biennium in costs to the court system. As the potential sanctions increase, an offender may be more inclined to go to trial, but the prosecutor may have more leverage and choose to plea bargain a lesser sanction. OJD would expect to see additional cases for failure to register, probation violations, and petitions for relief from registering as a sex offender.