

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

MEASURE NUMBER: HB 2623

STATUS: B Engrossed

SUBJECT: Authorizes Department of Corrections to grant 60-day early release under certain circumstances.

GOVERNMENT UNIT AFFECTED: Department of Corrections, Oregon Judicial Department, Public Defense Services Commission and District Attorneys.

PREPARED BY: Tim Walker

REVIEWED BY: Doug Wilson and John Borden

DATE: May 22, 2009

2009-2011

2011-2013

EXPENDITURES:

See Analysis.

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 allow the Department of Corrections (DOC) to grant a 60-day early release to inmates that complete certain educational programs.

DOC estimates that 1,018 inmates per biennium may meet the requirements of this bill to be eligible for an early release. Of this number, approximately 428 would not have maximized their earned time and would be eligible for addition earned time due to the provisions of this bill. This number results in an average estimated reduction of 18 beds per day per biennium. The amount of savings for DOC depends on a number of factors including how fast they are released, the number of offenders entering the system, and the nature of the beds being eliminated. Currently the agency estimates that the last beds being added to the system cost \$39.22 per day for 2009-11 since the agency is planning to add them to existing space and minimizing the number of staff that must be added. This amount still includes the costs for food, health care, clothing and other costs tied directly to the inmate. The average cost per day (2007-09 Legislatively Adopted Budget) for the entire system is \$77.78 per day (not including debt service and central administrative costs). This higher amount reflects the entire cost of the system. If the net affect of this bill and the other changes in the inmate population is significant this amount may be a better estimate since entire housing units and possibly facilities are shut down. Based on these two cost estimates, DOC has calculated a range of savings of between \$500,000 and \$1.0 million General Fund for 2009-11. DOC also states that there would be a small impact on community corrections since the length of time under community corrections control would not change, but costs may shift from one biennium to another. The actual impact of the bill depends on the effect of other bills passed this session which affect the prison population.

Inmates subject to early release under this bill may have to be resentenced and this would incur additional costs to the Oregon Judicial Department, Public Defense Services Commission and District Attorneys. At this time, it is not known how many inmates this may affect since the sentencing documents in each

case would dictate who would need to be resentenced. This may, to some degree, offset a portion of the savings realized by early release.