

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

MEASURE NUMBER: HB 2665 **STATUS:** Original
SUBJECT: Approves adoption of new rule and amendments to existing rules of Oregon Criminal Justice Commission
GOVERNMENT UNIT AFFECTED: Oregon Criminal Justice Commission, Department of Corrections, Public Defense Service Commission, and Oregon Judicial Department
PREPARED BY: Tim Walker
REVIEWED BY: Doug Wilson and John Borden
DATE: April 2, 2009

| | <u>2009-2011</u> | <u>2011-2013</u> |
|---|-------------------------|-------------------------|
| EXPENDITURES: | | |
| Department of Corrections – General Fund | \$ | \$ |
| Prison Cost | \$ 68,362 | \$ 256,945 |
| Probation Cost | \$ (7,128) | \$ (22,256) |
| Post-Prison Supervision Cost | \$ - | \$ 11,320 |
| Oregon Judicial Department – General Fund | \$ 7,590 | \$ 7,590 |
| Public Defense Services Commission – General Fund | \$ 15,150 | \$ 15,150 |
| Total | \$ <u>83,974</u> | \$ <u>268,749</u> |

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.

COMMENTS: This bill is the guidelines approval bill for the Oregon Criminal Justice Commission (CJC). CJC is required to review all newly enacted legislation relating to crimes and modify the crime sentencing guidelines to reflect the legislative changes.

The fiscal impact is indeterminate and LFO notes that due to the uncertainty of how many arrests will occur under the provisions of this bill and in turn how many offenders may go to trial and ultimately be convicted and sentence. 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 guidelines have enhanced the penalty for aggravated animal abuse from a crime seriousness level of 3 to a crime seriousness level of 8 and felony animal abuse from a crime seriousness level of 3 to a crime seriousness level of 6. From 2000 through 2007 there was an average of 7-1/2 convictions per year for aggravated animal abuse. At a crime seriousness level of 3, nearly all of the offenders received probation sentences. Increase the crime seriousness level to an 8 would result in 45% of these offenders receiving prison sentences of, on average, 19 months. For the same period, there were no convictions for felony animal abuse. This change in the guidelines would result in the need for one prison bed in 2009-11 and five prison beds in 2011-13. In addition, there would be some savings in probation costs due to the

offenders receiving prison sentences instead of probation and an increase in post prison supervision costs at the end of the prison sentences.

The Public Defense Service Commission states that, on average, it costs \$505 to defend a Class C felony. If there were twice as many cases filed as convictions (15 cases per year), the cost of defense over the course of a biennium would be \$15,150. Likewise, Oregon Judicial Department estimates that a felony court case costs \$253 in court operations costs and if there were twice as many cases filed as convictions (15 cases per year), the additional court costs would be \$7,590 per biennium.