MEASURE NUMBER:HB 2857STATUS: A EngrossedSUBJECT:Relating to unlawful possession of firearms.GOVERNMENT UNIT AFFECTED:Department of Corrections, Oregon Judicial Department, PublicDefense Services Commission and District AttorneysPREPARED BY:Tim WalkerREVIEWED BY:Doug Wilson and John BordenDATE:April 8, 2009

EXPENDITURES:

See Analysis.

<u>2009-2011</u> <u>2011-2013</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 would cause a felon in possession of a firearm to become a crime category 3 crime if there are no prior convictions for person felonies and crime category 8 crime when there is a prior person felony. Under current law, a felon in possession of a firearm is a crime category 8 offense.

Outlined below are the estimated prison and probation impacts of the bill. The table shows the effect of some convictions moving to a crime category 8 and some convictions moving to a crime category 3.

	Beds		Beds					
	Move to		Move to					
	8 on	Prison	3 on		Total	Total Prison	Probation	
	Grid	Cost	Grid	Prison Cost	Beds	Cost	Cost	Total Cost
09-11	10	\$571,503	(12)	(\$660,793)	(2)	(\$89,290)	\$9,310	(\$79,980)
11-13	97	\$5,490,640	(49)	(\$2,797,617)	48	\$2,693,023	(\$480,477)	\$2,212,545
13-15	153	\$8,673,659	(51)	(\$2,914,676)	101	\$5,758,983	(\$1,455,696)	\$4,303,287

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 Public Defense Services Commission and the Oregon Judicial Department anticipate that, on balance, there will be a minimal fiscal impact on defense costs and court operations costs. The cases moving from a 6 to an 8 in the crime category will require additional time, but that will be partially offset by the crimes moving to a 3 in the crime category that will require less time and resources.