

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

MEASURE NUMBER: HB 3264 **STATUS:** A Engrossed
SUBJECT: Directs the State Court Administrator to implement a pilot program based upon Hawaii's Opportunity Probation Enforcement program.
GOVERNMENT UNIT AFFECTED: Oregon Judicial Department, Board of Parole and Post-Prison Supervision and Department of Corrections
PREPARED BY: Tim Walker
REVIEWED BY: John Borden and Doug Wilson
DATE: April 30, 2009

	<u>2009-2011</u>	<u>2011-2013</u>
EXPENDITURES: See Analysis.		

EFFECTIVE DATE: On passage.

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 directs the State Court Administrator to establish a pilot program in one circuit court based upon Hawaii's Opportunity Probation with Enforcement (HOPE) program with the intent evaluating the effectiveness of the program. The measure contains broad language related to "subject to available funding for the purpose," and a specific funding source is not currently identifiable. Note that funds available to the agency not only includes the agency's (un-obligated and obligated) cash funds, but also can be interpreted as funds generated from such actions as a fee increase, asset sale or borrowing. The State's General Fund, through a Legislative Emergency Board or legislative session appropriation, could be yet another source of funding seen to be available to the agency. The bill sunsets on January 2, 2012.

The pilot program must include the following:

- Formal warnings to probationers in open court;
- Quick service of bench warrants;
- Weekly randomized or scheduled drug testing;
- Presumptive jail sanctions for probation violations;
- Short time between probation violations and sanctions; and
- Treatment services for probationers who are unable to comply because of drug use.

If the Oregon Judicial Department (OJD) were to implement a pilot program it would cost between \$304,000 and \$840,000 depending upon the number of participants. OJD estimates that it would require 10 minutes per participant per week in Judge's time, 47 minutes per participant per week in Treatment Coordinator's time, and 20 minutes per participant per week for a Treatment Court Specialist. In addition, there would be costs associated with formal study of the efficacy of the program and this cost would vary depending upon whether or not the State Court Administrator chooses to do the work in

house or contract the study out. OJD estimates this cost to be between \$170,000 and \$200,000, which is included in the above figure.

The Board of Parole and Post-Prison Supervision and the Department of Corrections (DOC) does not anticipate additional costs associated with this bill. DOC compensates community corrections departments on a per offender basis and their risk level. It is possible that the success of such a program may impact future costs of DOC, but at this time the impact is indeterminate.