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

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MEASURE NUMBER: SB 245 STATUS: A Engrossed

**SUBJECT:** Directs the Criminal Justice Commission to classify fleeing or attempting to elude police

officer as a crime category 7 under certain circumstances.

**GOVERNMENT UNIT AFFECTED:** Department of Corrections, Oregon Judicial Department and

Public Defense Services Commission **PREPARED BY:** Tim Walker

**REVIEWED BY:** Doug Wilson and John Borden

**DATE:** April 21, 2009

2009-2011 2011-2013

## **EXPENDITURES:**

See Analysis.

## **EFFECTIVE DATE:**

**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 classify fleeing or attempting to elude a police office as a Class B felony if the operator of the vehicle displays extreme indifference to the value of human life. The bill also directs the Criminal Justice Commission (CJC) to classify this crime as a crime seriousness level 7 for the purposes of sentencing.

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.

CJC states that there were 189 convictions in 2007 for attempting to elude a police officer. It is not known how many of these cases would have involved extreme indifference of the value of human life. Offenders convicted of crimes classified as a crime seriousness level of 7 go to prison 32% of the time with a median length of stay of two years. Each conviction under the provisions of this law could incur a prison bed cost of approximately \$56,000 (two years).

The Oregon Judicial Department (OJD) states that as sanctions increase, defendants may be more inclined to seek a trial or the district attorney may have additional leverage in plea negotiations. It is not known which outcome is more likely. OJD does not track the difference in court costs between classes of felonies, but states that the difference between court costs of a misdemeanor trial and a felony trial is \$344.

The Public Defense Services Commission (PDSC) states that the difference in the cost of defense between a Class C felony and Class B felony is \$370. It is not known how many additional cases would result from the provisions of this bill. In 2007 there were 818 cases in which attempting to elude a police officer was the highest charge; it is not known how many may have involved extreme indifference.