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

MEASURE NUMBER: SB 984 **STATUS:** A Engrossed
SUBJECT: Relating to crime
GOVERNMENT UNIT AFFECTED: Department of Corrections, Public Defense Services Commission and Oregon Judicial Department
PREPARED BY: Tim Walker
REVIEWED BY: Doug Wilson and John Borden
DATE: June 23, 2009

	2009-2011	2011-2013
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: The bill would classify the crime of murder as aggravated murder, if the defendant knows that the victim is pregnant. The bill would also reclassify crime of assault in the second degree as assault in the first degree, if the defendant knows that the victim is pregnant. In addition, classifies assault in the fourth degree as a Class C felony, if the defendant knows that the victim is pregnant.

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.

Currently, first degree murder is punishable by 25 years in prison and elevated the sanction to that of aggravated murder, punishable by life in prison, would only have a fiscal impact after the initial 25 years was served. Data does not track whether or not the victim was pregnant and the fiscal impact of this provision is indeterminate.

Elevating assault II to assault I would have a prison bed impact, but without the additional information of how many of the victims were pregnant it is difficult to generate an accurate number. If 1% of the victims were pregnant woman, there would be a $2,500 prison bed impact in 2009-11 and $14,000 impact in 2011-13. Elevating assault IV, currently a misdemeanor, to a class C felony would have a larger impact. If 1% of the victims were pregnant woman, there would be a $191,000 prison bed impact in 2009-11 and $959,000 impact in 2011-13. These estimates are for illustrative purposes only.

Oregon Judicial Department and the Public Defense Services Commission anticipates that the increase in sanctions from the provisions of this bill will result in more trials, and possibly more appeals, due to the increased severity of the sanctions. This could also increase the prosecution's leverage and make a plea bargain more likely. An increase in the quantity of trials would result in increased costs associated with judge time, jury expenses, interpreter costs, and the length and complexity of trials.