**2010 Special Session**
**FISCAL ANALYSIS OF PROPOSED LEGISLATION**
**Prepared by the Oregon Legislative Fiscal Office**

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**MEASURE NUMBER:** SB 999 **STATUS:** B Engrossed
**SUBJECT:** Modifies circumstances under which a veteran may be offered diversion.
**GOVERNMENT UNIT AFFECTED:** Department of Corrections, Public Defense Services, Oregon Judicial Department, and District Attorneys.
**PREPARED BY:** Tim Walker
**REVIEWED BY:** Doug Wilson and John Borden
**DATE:** February 11, 2010

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| | 2009-2011 | 2011-2013 |
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| **EXPENDITURES:** | | |
| See Analysis | | |

**EFFECTIVE DATE:** On passage.

**INTERIM JOINT COMMITTEE ON WAYS AND MEANS:** The budgetary impact of this bill was not reviewed and approved by the Interim Joint Committee on Ways and Means Committee and is not included in the omnibus budget bill to be introduced by the committee.

**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 allow the District Attorney, in certain cases, to grant diversion to a veteran of the Armed Forces of the United States, the reserves or the National Guard as long as the veteran had been granted an honorable discharge, a general discharge under honorable conditions, or a discharge under other than honorable conditions. Diversion would not be an option if the offense involved serious physical injury or if the offender had previously participated in a diversion program.

This bill may increase the number of offenders who are eligible for a diversion program. The Public Defense Services Commission (PDSC) states that the costs of defending an individual are a function of the seriousness of the offense and not necessarily the outcome. PDSC anticipates the cost of defense services due to this bill to be minimal. The Oregon Judicial Department (OJD) states that the courts would incur the court costs regardless if the offender is offered diversion or is otherwise sentenced. Typically, offenders are responsible for the costs associated with diversion. The incremental costs to the courts due to this bill would be minimal.

If, by increasing the pool of offenders that are eligible for diversion there may be an increase in demand for drug courts, mental health courts or other treatment options. Since space in court-supported diversion programs is limited, this may mean that someone who otherwise would have been offered diversion many no have that option and may spend time under local control or in prison. This bill does not provide a priority for a veteran to get diversion, but is one more factor the District Attorney's can use to decide if an individual is eligible for a diversion program.

The Department of Corrections (DOC) states that there are approximately 700 inmates out of 14,000 inmates who are veterans. When the inmates are excluded that would not qualify under this bill for diversion, there are 100 inmates that potentially could be eligible for diversion. This bill may create

savings for DOC in that some inmates who would have been sent to prison would have the option of diversion. Likewise, there may be offenders under local control who would be eligible for diversion instead of serving jail time. It is not known how the provisions of this bill would affect District Attorneys frequency of offering diversions and therefore the precise affect on DOC's budget is unknown.