

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

MEASURE NUMBER: SB 1007

STATUS: B Engrossed

SUBJECT: Relating to crime.

GOVERNMENT UNIT AFFECTED: Department of Corrections, Oregon Judicial Department, Public Defense Services Commission, Secretary of State and Department of Justice

PREPARED BY: Tim Walker

REVIEWED BY: John Borden, Doug Wilson, and Daron Hill

DATE: February 10, 2010

EXPENDITURES:	<u>2009-2011</u>	<u>2011-2013</u>
Department of Corrections		
Prison Bed Costs – General Fund	\$ 471,089	\$ 5,802,873

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 changes certain provisions of HB 3508 (2009) and expands the list of crimes excluded from the 10% increase in earned time. This bill also ends the additional 10% earned time on effective on passage, reinstates the additional 10% earned time credit, in certain circumstances, on July 1, 2011 and then sunsets this provision on July 1, 2013. The bill also expands the list of felonies that are not eligible for the additional 10% earned time credit. In addition, the bill requires the Secretary of State to conduct an audit of the practices of the Department of Corrections with respect to the earned time credit program.

The Department of Corrections (DOC) will see an increase in the need for prison beds due to the provisions of this bill. Current law grants offenders an additional 10% earned time credit up to 30% for a wider range of offenses. This bill will narrow the offenses eligible for increased earned time as well as changes periods that an offender is eligible for the additional 10%. The Department of Corrections estimates that approximately 200 additional beds will be needed in 2011-13 and 260 beds will be needed in 2013-15 at the current rate. The cost of the additional beds in 2013-15 is estimated to be \$6.4 million. The prison bed cost was calculated using \$39 per day, which is the temporary bed cost calculated by DOC. When the agency has exhausted the temporary beds available, the cost will increase significantly as newly constructed or rental beds likely are required. This depends on the overall future growth in the prison population.

The Oregon Judicial Department (OJD) anticipates that there may be additional court costs due to the potential of additional appeals and filings, but these costs are indeterminate at this time. The Public Defense Services Commission (PDSC) anticipates a modest decrease in expenses in the 2009-11

biennium from a decrease in resentencing hearings. They also anticipate that this bill will result in a decrease in resentencing hearings in 2011-13 as the increased earned time is temporarily phased back in, but with a narrower application. OJD and PDSC did not receive additional resources to cover the added expenses of the resentencing hearings of HB 3508. The Department of Justice does not anticipate an increase in expenses due to the provisions of this bill.

The bill also requires the Secretary of State to perform an audit on the Department of Correction's earned time program including the agency's compliance with the law, impacts on the recidivism rate and public safety, and best practices of other jurisdictions with similar programs. The Secretary of State does not expect a fiscal impact since it would perform this audit instead of another audit that might have occurred without this bill.