

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2721 - A

Seventy-Sixth Oregon Legislative Assembly – 2011 Regular Session
Legislative Fiscal Office

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Measure Description:

Eliminates reliance on spiritual treatment as defense to certain crimes in which victim is under 18 years of age.

Government Unit(s) Affected:

Judicial Department, Department of Corrections, District Attorneys and their Deputies, Oregon Criminal Justice Commission, Public Defense Services Commission, Department of Human Services (DHS)

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: Under current law, if a child isn't medically treated for spiritual reasons and dies as a result the offender could be convicted of Manslaughter I or Manslaughter II (both M11 crimes). Manslaughter I has a mandatory minimum sentence of 120 months and Manslaughter II has a mandatory minimum sentence of 70 months (under all circumstances except for spiritual healing). This bill would make some of these Manslaughter I cases Murders, with a sentence of 300 months

The increase in penalty from 120 to 300 months would have a direct impact on the Department of Corrections, but not until 10 years after the offender was sentenced. For offender convicted in 2011, the additional costs would not be seen until 2021 when the offender would start serving the additional time. Based on the assumed current marginal costs of \$21.88 per day for a temporary prison bed, the additional time served due to the provisions of this bill would cost DOC \$116,400 (in today's dollars). This amount may be understated since it likely that all temporary beds will have been used by that time and the full price of a permanent bed would represent the additional cost.

The Oregon Judicial Department and the Public Defense Service Commission do not anticipate that there would be a substantive increase in cases due to this bill and the resulting fiscal impact would be minimal.

The Department of Human Services would still be obligated to perform an investigation in these cases and the bill would have no fiscal effect.

The -1 amendment adds an emergency clause.