

## FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2849

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

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### Measure Description:

Increases penalty for crime of criminal mistreatment in first degree if victim is 65 years of age or older.

### Government Unit(s) Affected:

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

### 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:** Current data systems do not track victims by age, so developing an accurate estimate of the prison bed impact, impact to the court system, and the public defense system are difficult to generate. This bill changes the crime of criminal mistreatment in the first degree, if the victim is 65 years of age or older, from a Class C felony to a Class B felony. Currently criminal mistreatment in the first degree is a 7 on the crime seriousness scale and this bill will not change that, therefore an increase in prison beds is not anticipated. However, elevating the crime from a Class C to a Class B felony may have a fiscal impact on the Public Defense Services Commission (PDSC). PDSC states that the cost of defending a Class C felony is \$750 and defending a Class B felony is \$1,000. If the agencies involved find a substantive increase in costs associated with this bill, they may need to return to the Legislature for increased limitation.