

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2942

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

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Measure Description:

Authorizes issuance of protective order for certain persons who are victims of conduct constituting sex crime.

Government Unit(s) Affected:

Counties, Department of Corrections, Oregon Criminal Justice Commission, Judicial Department, Oregon State Police, Public Defense Services Commission, Board of Parole and Post-Prison Supervision

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 a victim of a sex crime to request a protective order against the non-family offender. If the offender is a family member, they would be subject to the Family Abuse Prevention Act (FAPA) process. The Oregon Judicial Department (OJD) states that the fiscal impact of this bill will primarily be driven by the number of protective orders requested.

The data on sexual assault crimes does not specify whether the offender is a family member or not. Case filing data from the courts indicate that approximately 1,750 cases are filed per year with sexual assault as the most serious charge. OJD estimates that in 50-100% of these cases a request for a protective order would be filed. In which case, OJD estimates that the cost of providing the protective orders would be from \$246,750 to \$493,500 General Fund per biennium. It is not known how many of these cases may fall under FAPA and not be subject to the provisions of this bill. A more precise estimate of the number of individuals that would seek protection under the provisions of this bill is not available and therefore indeterminate.

The Public Defense Services Commission estimates that the cost of defending an offender who violates a protective order is \$600. An offender would not be eligible for legal representation at the time that the protective order is filed, only if the order is violated. It is not known how many offenders may violate a protective order and therefore a reliable estimate of the costs is not available.

The Department of Corrections, Oregon State Police, Counties and the Board of Parole and Post-Prison Supervision anticipate the costs associated with bill will be minimal.

The Legislative Fiscal Office believes this measure warrants a subsequent referral to the Joint Committee on Ways and Means Committee for consideration of this measure's budgetary impact on the State's General Fund.