

**FISCAL IMPACT OF PROPOSED LEGISLATION****Measure: HB 3529**Seventy-Sixth Oregon Legislative Assembly – 2011 Regular Session  
Legislative Fiscal OfficePrepared by: Tim Walker  
Reviewed by: John Borden, Doug Wilson  
Date: 4/17/2011**Measure Description:**

Modifies crime of theft in first degree to include theft of agricultural property under certain circumstances.

**Government Unit(s) Affected:**

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

**Summary of Expenditure Impact**

	<b>2011-13 Biennium</b>	<b>2013-15 Biennium</b>
General Fund	\$123,219	\$482,867
Lottery Funds		
Other Funds		
Federal Funds		
<b>Total Funds</b>	<b>\$123,219</b>	<b>\$482,867</b>

**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 classify theft of agricultural property as a Class C felony. The Criminal Justice Commission estimates that approximately 20% of offenders who commit theft in the first degree, a Class C felony, receive an average of 16 months in prison. The balance of the offenders receive probation.

The Department of Corrections anticipates roughly \$52,000 in additional prison bed costs and \$71,000 in community corrections costs in the 2011-13 biennium. The fiscal impact is anticipated to increase to \$168,000 in prison bed costs and \$314,000 in community corrections costs in 2013-15. This fiscal impact is priced using a bed rate reflective of the \$21.88/day marginal cost to operate the next set of emergency beds within the Department of Corrections. As of March 9, 2011 the Department has 552 emergency beds available and an increase in bed demand would require the activation of some of these beds. The \$21.88 represents the lowest cost emergency beds. Once all these lower cost emergency beds are utilized the Department will need to use more expensive emergency beds ranging in cost from \$29 to over \$60 per day. If the cumulative total of all new bills providing for bed-demand increases exceeds the number of emergency beds currently available, the Department would evaluate the potential for opening of permanent beds, at a higher per bed rate. Permanent bed capacity for males is only available at Shutter Creek Correctional Facility (100 minimum-custody) and medium-custody facility at Deer Ridge Correctional Institution in Madras. Opening the additional beds at Shutter Creek would cost more than the emergency bed marginal rate, given the need for additional staffing: the opening of the Deer Ridge medium-custody facility would result in significantly higher cost due to the need for initiating certain core functions (Health, Physical Plant, Food Services, etc.) for the entire facility as well as considerable startup costs.

The Oregon Judicial Department and the Public Defense Services Commission report a minimal increase in court and public defense costs. The fiscal impact to District Attorneys is indeterminate.

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.