

FISCAL IMPACT OF PROPOSED LEGISLATION

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

Measure: SB 395 - B
REVISED

Prepared by: Tim Walker
 Reviewed by: John Borden, Doug Wilson
 Date: 6/24/2011

Measure Description:

Modifies obligation of Oregon Criminal Justice Commission to classify driving while under the influence of intoxicants as crime category 6.

Government Unit(s) Affected:

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

Summary of Expenditure Impact

	2011-13 Biennium	2013-15 Biennium
General Fund	\$12,644,823	\$18,218,765
Lottery Funds		
Other Funds		
Federal Funds		
Total Funds	\$12,644,823	\$18,218,765
Positions	0	0
FTE	0.00	0.00

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 alters the provisions of Ballot Measure 73 passed in November 2010. First, it provides that the repeat Driving Under the Influence of Intoxicants (DUII) will generally serve their sentence in a local jail instead of a prison sentence in a Department of Corrections (DOC) facility as assumed in the original measure. The bill also directs the Department of Corrections (DOC) to reimburse counties for the cost of incarcerating offenders in jail at a rate of \$92.36 per day per offender instead of full costs as originally passed in the Ballot Measure. Probation supervision of these offenders would be reimbursed by the state at a rate of \$7.04 per day. This would include pre-trial incarceration, if any, and the mandatory jail sentence and any additional time spent under local control. **The \$12.6 million represents the cost for Ballot Measure 73 as amended by this bill. Almost all of this amount is for reimbursement to counties and is assumed in the DOC budget as it currently stands. If this bill were not to pass, DOC would need an additional \$5.3 million General Fund to cover the increased costs with prison sentences associated with Ballot Measure 73.**

The Criminal Justice Commission (CJC) projects by July 1, 2013, there will be 815 offenders on probation, 16 in pre-trial status, and 170 serving 90 day sentences. The effect of this bill is projected to peak in April of 2016 with 1,054 offenders on probation, 17 in pre-trial status, and 185 serving jail sentences.

The Oregon Judicial Department and Public Defense Services Commission do not anticipate an increase in expenditures due to this bill, since the bill addresses reimbursement to counties and not the frequency these offenders would appear in court or be eligible for public defense services.