

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 4169 - A

Seventy-Sixth Oregon Legislative Assembly – 2012 Regular Session
Legislative Fiscal Office

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Measure Description:

Establishes fees for diversions and court programs related to alcohol evaluation and treatment.

Government Unit(s) Affected:

Judicial Department, District Attorneys and their Deputies, Department of Revenue(DOR), Oregon Health Authority (OHA), Oregon Department of Transportation (ODOT), Cities, Counties,

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:

House Bill 4169 modifies diversion fees, and makes technical corrections to the following four bills from the 2011 legislative session: HB 3075, HB 2104, HB 2710, and HB 2712. These four bills modified fees that defendants pay when convicted of driving under the influence of intoxicants, and to file a petition for diversion. The four bills conflict in regards to the amounts of the fee increase, and the distribution of these funds. HB 4169 corrects the fee amounts, and clarifies that fees collected will be deposited in the Criminal Fine Account (CFA). The Legislative Assembly allocates moneys from the CFA account for a variety of purpose, including alcohol and drug treatment services. HB 4169: [1] changes the term "filing fee" to "program fee;" [2] reduces the fee amount from \$335 to \$100; and [3] specifies that the court may waive all or part of the fee for indigent defendants.

The measure is anticipated to have no expenditure impact on the Oregon Health Authority, the Department of Transportation, and the District Attorneys and their Deputies.

The bill is anticipated to have a minimal expenditure impact on the Department of Revenue, cities, counties, and the Oregon Judicial Department (OJD). OJD will need to update its fee schedule, give notice to courts, post changes to OJD's website, and revise diversion forms. The bill has a delayed operative date of April 1, 2012, to allow OJD to make these changes.

The delay in operative date could potentially result in less revenue available for deposit into the Criminal Fine Account during the 2011-13 biennium. Using data extrapolated from the Oregon Department of Transportation, DULL Databook published July 2010, and assuming a straight line projection, the loss of revenue to the CFA is roughly estimated at \$750,000. Since allocations from the CFA are statutorily based, and the unallocated balance of the CFA is distributed to the General Fund, any reduction in revenue to the CFA will impact the state's General Fund.