
MEMORANDUM

Legislative Fiscal Office
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To: *Public Safety Subcommittee*

From: *Monica Brown, Legislative Fiscal Office*
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Date: May 15, 2013

Subject: *HB 2235A Relating to corrections officers*
Work Session Recommendations

HB 2235A relates to corrections officers and extends a sunset on provisions to allow the Department of Corrections (DOC) to provide training for basic certification for its officers. The measure does not have an emergency clause but extends the sunset from January 2, 2014 until 2026.

The measure, the original staff measure summary, preliminary Joint Committee on Ways and Means staff measure summary, revenue impact statement [if available], and fiscal impact statement are available on the Oregon Legislative Information System (OLIS).

The measure previously had a public hearing in the Public Safety Subcommittee on March 28, 2013

The measure has a fiscal impact reducing expenditures in DOC by \$4.99 million General Fund, and reduces Department of Public Safety Standards and Training expenditures by \$233,911 Other Funds (Criminal Fine Account).

Motion #1: Move HB 2235A to the full committee with a “do pass” recommendation.

Assignment of Carriers

Full: _____
2nd Chamber: _____

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Referred to the Committee on Ways and Means by Prior Reference
Vote:	8 - 0 - 1
Yeas:	Barton, Cameron, Garrett, Hicks, Krieger, Olson, Williamson, Barker
Nays:	0
Exc.:	Tomei
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	2/5, 3/5

WHAT THE MEASURE DOES: Continues the obligation of the Oregon Department of Corrections (DOC) to train corrections officers. Returns responsibility to Department of Public Safety Standards and Training (DPSST) on January 2, 2026.

ISSUES DISCUSSED:

- Corrections officers should not be trained the same way as police officers

EFFECT OF COMMITTEE AMENDMENT: Extends sunset out to January 2, 2026.

BACKGROUND: The 2009 Legislative Assembly transferred the responsibility for training DOC corrections officers from DPSST to DOC . However, this transfer sunsets January 2, 2014. Unless the sunset provision is either removed or extended out, training of corrections officers will revert to DPSST.

77th OREGON LEGISLATIVE ASSEMBLY – 2013 Session
PRELIMINARY STAFF MEASURE SUMMARY

MEASURE: HB 2235-A

Joint Committee on Ways and Means

Carrier – House: Rep.
Carrier – Senate: Sen.

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action:

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Monica Brown, Legislative Fiscal Office

Meeting Date: [Full Committee Meeting Date]

WHAT THE MEASURE DOES: Continues the obligation of the Oregon Department of Corrections (DOC) to train corrections officers. Returns the responsibility to Department of Public Safety Standards and Training (DPSST) on January 2, 2026.

ISSUES DISCUSSED:

-

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The 2009 Legislative Assembly transferred the responsibility for training DOC corrections officers from DPSST to DOC; however, this transfer sunsets January 2, 2014. Unless the sunset provision is either removed or extended out, training of corrections officers will revert to DPSST.

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2235 - A

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: John Terpening
Reviewed by: Monica Brown
Date: 3-4-2013

Measure Description:

Extends the sunset of provision requiring Department of Corrections to provide training for basic certification of corrections officers employed by department to 2026.

Government Unit(s) Affected:

Department of Public Safety Standards and Training, Department of Corrections

Summary of Expenditure Impact:

Agency – Fund Type	2013-2015	2015-2017
Department of Corrections – General Fund	(\$4,987,843)	(\$6,650,457)
Positions/FTE	7/5.25	7/7.00
Department of Public Safety Standards & Training – Other Funds	(\$233,911)	(\$259,362)
Positions/FTE	(4)/(1.00)	(4)/(1.00)

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:

The measure extends the sunset of the provision requiring the Department of Corrections (DOC) to provide training for basic certification of corrections officers employed by the Department until 2026.

HB 3199 (2009) directed DOC to develop and deliver basic training for its correctional officers instead of having officers trained by the Department of Public Safety Standards and Training (DPSST). The DOC certification training is subject to periodic audits by DPSST to ensure the training meets or exceeds minimum training standards for basic certification of corrections officers employed by other law enforcement units. HB 3199 sunsets on January 2nd, 2014 and would require DOC to cease training its correctional officers and send them to DPSST for training.

By extending the sunset provision, the measure would allow DOC to continue to provide training to its correctional officers and DPSST would not have to assume responsibility for the training program, but would continue with the current auditing program.

If the sunset is extended, DPSST estimates cost savings of (\$233,911) Other Funds in 2013-15 and would not need to establish 4 new positions and additional 3.25 FTE that would be required for implementation of the training program. Instead DPSST will continue the current auditing program and its 3 positions currently set to phase-out in January 2014. The continuation of the 3 positions for the remainder of the 2013-15 biennium is 2.25 FTE, causing a net reduction of 1.00 FTE.

By providing the training to its own officers, DOC realizes a cost savings of (\$6,067,200) General Fund by not needing to pay for overtime or travel and per diem expenses for officers to attend five weeks of training at DPSST. A portion of these savings are off-set by the continuation of the current training program, which includes 7 positions and 5.25 FTE for a total cost of \$1,079,357 in 2013-2015. The expenditures and positions for the continuation of the DOC training program are included in a policy package in the Governor's budget for both DPSST and DOC.

**A-Engrossed
House Bill 2235**

Ordered by the House March 7
Including House Amendments dated March 7

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Corrections)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Eliminates sunset of provision requiring Department of Corrections to provide training for basic certification of corrections officers employed by department.]

Extends sunset of provision requiring Department of Corrections to provide training for basic certification of corrections officers employed by department to January 2, 2026.

A BILL FOR AN ACT

1
2 Relating to corrections officers; amending sections 46b and 46d, chapter 885, Oregon Laws 2009.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** Section 46b, chapter 885, Oregon Laws 2009, is amended to read:

5 **Sec. 46b.** (1) Section 44, **chapter 885, Oregon Laws 2009**, *[of this 2009 Act]* applies to cor-
6 rections officers hired by the Department of Corrections on or after *[the effective date of this 2009*
7 *Act]* **August 4, 2009**, and before January 2, *[2014]* **2026**.

8 (2) Nothing in the repeal of section 44, **chapter 885, Oregon Laws 2009**, *[of this 2009 Act]* by
9 section 46d, **chapter 885, Oregon Laws 2009** *[of this 2009 Act]*:

10 (a) Prohibits the Department of Corrections from completing the basic training of corrections
11 officers who are hired on or after *[the effective date of this 2009 Act]* **August 4, 2009**, and before
12 January 2, *[2014]* **2026**.

13 (b) Affects the certification, or the eligibility for certification, of a corrections officer who is
14 provided basic training by the Department of Corrections in accordance with section 44, **chapter**
15 **885, Oregon Laws 2009** *[of this 2009 Act]*.

16 **SECTION 2.** Section 46d, chapter 885, Oregon Laws 2009, is amended to read:

17 **Sec. 46d.** Sections 43, 44 and 46, **chapter 885, Oregon Laws 2009**, *[of this 2009 Act]* are re-
18 pealed on January 2, *[2014]* **2026**.

19

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.