

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: HB 2335**Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office***Only Impacts on Original or Engrossed
Versions are Considered Official***

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Measure Description:

Increases period of supervision required when person is convicted of promoting prostitution or compelling prostitution.

Government Unit(s) Affected:

Department of Corrections, District Attorneys and their Deputies, Judicial Department, Oregon Criminal Justice Commission, Public Defense Services Commission, Oregon Youth Authority (OYA), Cities, Counties

Summary of Expenditure Impact: See Analysis

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 makes two changes to the period of supervision required when a person is convicted of promoting prostitution or compelling prostitution. Currently, promoting prostitution is a five-year maximum sentence and compelling prostitution is a ten-year maximum sentence. The statutory requirement for post-prison supervision for both promoting prostitution and compelling prostitution is 36 months, regardless of the length of sentence.

First, the measure requires that if part of a sentence is suspended or if the sentence imposed is probation, the probation sentence must be at least five years, but no more than the maximum statutory prison sentence. According to the Oregon Criminal Justice Commission (CJC), there has only been one case in the past two years where an individual was sentenced to probation for 36 months for the crime of promoting prostitution. The measure would increase that probation sentence to 60 months, or five years.

Second, the measure requires that if a prison sentence is imposed, the time spent in prison and the time spent on post-prison supervision will equal the maximum statutory prison sentence. Based on historical data, the CJC reports that the maximum sentence for promoting prostitution is 60 months and the average length of incarceration is approximately 46 months. For compelling prostitution, the maximum sentence is 120 months and the average length of incarceration is approximately 91 months. Currently offenders would spend an average of 46 or 91 months incarcerated, followed by 36 months of post-prison supervision, for a total of either 82 months for promoting or 127 months for compelling. This would result in either a reduction of post-prison supervision or reduction in average length of incarceration.

For example, the difference between the maximum sentence for promoting prostitution and the average time spent in prison, 60 months subtracted by 46 months, equals 14 months of post-prison supervision. This would be a reduction of 22 months on average from the current requirement of 36 months. This reduction, calculated at an average cost per day of \$8.64 for local control and probation would result in cost savings of approximately \$75,827 General Fund for a full biennium.

Alternatively, the difference between the maximum sentence for promoting prostitution and the current requirement of 36 months of post-prison supervision, 60 months subtracted by 36 months, equals 24 months as the adjusted average length of incarceration. This would be a reduction of 22 months on average from the current average length of incarceration of 46 months. This reduction, calculated at an average cost per day of \$21.93 for incarceration in a DOC facility would result in cost savings of approximately \$192,507 General Fund for a full biennium.

These cost estimates would vary depending on the actual number of cases, convictions and the length of sentences imposed. Thus far in the 2013 legislative session, this is the fifth fiscal impact statement issued by LFO on measures effecting the corrections population. The cumulative effect of similar measures passed during the legislative session will impact the Corrections Population Forecast produced by the Office of Economic Analysis which serves as the basis for funding the Department of Corrections operations and community corrections budgets.

There is a minimal fiscal impact to District Attorney's and their Deputies, Judicial Department, Public Defense Services Commission, and Oregon Youth Authority as a result of this measure.