

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 3422**

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:**

Creates crimes of drug-induced homicide and drug-induced assault.

**Government Unit(s) Affected:**

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

**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 creates the crime of drug-induced homicide as a Class A felony with the presumptive sentence of 20 years if death resulted from the delivery of a controlled substance for consideration, or 12 years if death resulted from the delivery of a controlled substance for no consideration. The measure creates the crime of drug-induced assault as a Class B felony with a presumptive sentence of 12 years.

Currently, drug-induced homicide is a federal crime. According to the Public Defense Services Commission, between 2004 and 2009, ten defendants have been prosecuted under the federal law in Oregon.

The fiscal impact is indeterminate. Presumably, this measure would allow some of the cases previously prosecuted under federal law to remain in the state court system; however the number of cases is indeterminate. If a sufficient volume of these cases did remain in the state court system, and resulted in convictions and incarceration, the Department of Corrections would have a fiscal impact.

The Judicial Department, Public Defense Services Commission, and District Attorney's and their Deputies do not anticipate that there would be a substantive increase in cases due to this bill and the resulting fiscal impact would be minimal.