

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: SB 482 - 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: Steve Bender, Monica Brown, Linda Gilbert
Date: 4-9-2013**Measure Description:**

Adds saliva to list of bodily substances that may not be propelled at public safety officer under aggravated harassment statute.

Government Unit(s) Affected:

Department of Corrections, District Attorneys and their Deputies, Judicial Department, Oregon State Police, Oregon Youth Authority, Public Defense Services Commission, Cities, Counties

Summary of Expenditure Impact:

Agency – Fund Type	2013-2015 Biennium	2015-2017 Biennium
Department of Corrections – General Fund		
Prison Cost	\$8,213	\$16,427
Special Payments	\$12,670	\$25,340
Total Cost	\$20,883	\$41,767

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 adds saliva to the list of bodily substances that may not be propelled at a public safety officer under the aggravated harassment statute. The -1 amendment specifies that the saliva must come into physical contact with the public safety officer while they are acting in the course of official duty. Aggravated harassment is a Class C felony.

Based on historical data, the Judicial Department estimates between five and ten cases per year will be prosecuted under the measure. There would be a minimal fiscal impact to the Judicial Department, District Attorney's and Their Deputies, and the Public Defense Services Commission.

In 2012, the Criminal Justice Commission (CJC) reports there were 20 convictions of aggravated harassment. CJC estimates that the addition of saliva to the aggravated harassment statutes will result in an additional two convictions per year.

The Department of Corrections (DOC) assumes a three month lag between the measure's effective date and the date first offenders may be received. Included in the cost estimates in the above table are funds that would be distributed to the community corrections departments of counties for costs of probation, post-prison supervision, and local control. The estimated length of stay is assumed to be approximately 12 months in a DOC facility at a marginal cost per day of \$21.93. DOC assumes any incarcerated inmates will be distributed into existing housing facilities and there would be no additional costs for staffing or construction. The estimated length of stay in local control is approximately 48 months of probation. The cost per day estimate for local control and probation is \$8.64.

These costs estimates could vary depending on the actual number of cases, convictions and length of sentences issued. Thus far in the 2013 legislative session, this is the eighth 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.