

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 3480**

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:**

Renames crime of intimidation as bias crime.

**Government Unit(s) Affected:**

Cities, Counties, Department of Corrections, Department of Justice, District Attorneys and their Deputies, Judicial Department, Oregon Criminal Justice Commission, Oregon State Police (OSP), Public Defense Services Commission

**Summary of Expenditure Impact:**

<b>Agency – Fund Type</b>	<b>2013-2015 Biennium</b>	<b>2015-2017 Biennium</b>
Department of Corrections – General Fund		
Prison Cost	\$61,363	\$70,130
Special Payments to Counties	\$29,904	\$34,176
<b>Total Cost</b>	<b>\$91,267</b>	<b>\$104,306</b>
<b>Agency – Fund Type</b>	<b>2013-2015 Biennium</b>	<b>2015-2017 Biennium</b>
Public Defense Services Commission – General Fund	\$200,000	\$200,000

**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 modifies the crimes of first and second degree intimidation and changes the name to a bias crime in the first and second degree. The measure expands a bias crime in the first degree to include commission of assault in the fourth degree when committed by an individual and motivated by the perception of the victim's race, color, religion, ethnicity, gender, sexual orientation, disability or national origin. Currently, assault in the fourth degree is a misdemeanor but would be considered a Class C felony as a bias crime in the first degree if it met the stipulations of the measure.

According to Oregon Judicial Information Network data, there are approximately 2,500 misdemeanor level Assault 4 convictions annually. The Criminal Justice Commission (CJC) estimates that approximately 10% of cases would be elevated to a Class C felony as a bias crime in the first degree and of those, 36% would be incarcerated in a DOC facility, 22% in local control, and the remainder would receive felony probation.

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 average length of stay is assumed to be approximately 18 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 2 months with an average of 19 months of felony probation. The cost per day estimate for local control and felony probation is \$8.64.

The cost estimates could vary depending on the actual number of cases, convictions and length of sentences issued. Thus far in the 2013 session, this is the thirteenth fiscal impact statement issued by the Legislative Fiscal Office on measures effecting the corrections population. DOC estimates are based on utilizing 489 available emergency beds at the marginal cost per day rate of \$21.93. If emergency bed capacity is exceeded by the cumulative effects of measures passed during the session, DOC may need to establish permanent beds at a cost per day of \$98.82. 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.

The Public Defense Services Commission (PDSC) notes that the average cost of representation for misdemeanors is \$350 and the average cost of representation for a Class C felony is \$750. The potential elevation of assault 4 misdemeanors to Class C felonies as a bias crime would increase costs to PDSC by approximately \$400 per case. Using the CJC estimates above and assuming all defendants would be eligible for court-appointed counsel the estimated cost to PDSC could be as much as \$200,000.

There is a minimal fiscal impact to the Judicial Department and District Attorney's and their Deputies as a result of this measure.