

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 492 - A

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:

Requires district attorney to disclose to defendant data, documents, tangible objects or information that reasonably appears to be favorable to defendant with respect to determination of guilt, preliminary matter or sentence to be imposed.

Government Unit(s) Affected:

Department of Justice, District Attorneys and their Deputies, Judicial Department, 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 requires the district attorney to disclose to a represented defendant any material or information that exculpates the defendant, negates or mitigates the defendant's guilt or punishment or impeaches a witness. The measure requires the disclosure to be made without delay immediately after arraignment and prior to the entry of any guilty plea and prohibits the district attorney from condition a plea offer on a requirement that defendant waive the disclosure obligation.

The fiscal impact is indeterminate. The measure requires district attorney's to investigate exculpatory evidence for all witness and not just witnesses that the state intends to call at trial. Depending on the complexity of the individual case and the resources available to district attorney's, potentially investigating all witnesses, whether intended to be called to trial or not, may require additional resources and staff.

The Department of Justice's (DOJ) Criminal Justice Division provides trial and investigative assistance to county district attorney's. Depending on the investigative requirements resulting from the measure, the legislature may need to review staffing requirements in the future should this legislation pass.

The Judicial Department and the Public Defense Services Commission anticipates a minimal fiscal impact as a result of this measure.