

**FISCAL IMPACT OF PROPOSED LEGISLATION****Measure: HB 2019**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: 4-30-2013**Measure Description:**

Creates crime of patronizing a trafficked child.

**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), Oregon Youth Authority (OYA), 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	\$35,596	\$40,681
Special Payments to Counties	\$4,928	\$5,632
<b>Total Cost</b>	<b>\$40,524</b>	<b>\$46,313</b>
<b>Agency – Fund Type</b>	<b>2013-2015 Biennium</b>	<b>2015-2017 Biennium</b>
Public Defense Services Commission – General Fund	\$49,500	\$49,500

**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 patronizing a trafficked child as a Class B felony if the child is under 18 years of age or a Class C felony if it is a law enforcement officer posing as a child under 18 years of age. The Criminal Justice Commission is directed to categorize the Class B felony as a category 9 on the sentencing guidelines grid and the Class C felony as a category 7. The measure amends the crime of trafficking in persons to allow a person to be charged as a Class A felony in certain cases.

The Department of Corrections (DOC) does not have any record of a person incarcerated for trafficking in persons. The increased penalties for trafficking may result in additional convictions, however the number of cases, convictions and length of sentences are indeterminate.

In 2012, the Criminal Justice Commission (CJC) reports there were 30 convictions for patronizing a prostitute. CJC estimates that two of those 30 convictions per year would fall under the stipulations of the measure and that most cases will be Class C felonies and classified as a category 7. CJC notes that few of the 30 convictions actually went to jail, and that most received fines.

The Department of Corrections (DOC) assumes a three month lag between the measure's effective date and the date the 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 30 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 11 months of probation. The cost per day for local control and probation is \$8.64.

The cost estimates could vary depending on the actual number of cases, convictions and length of sentences issued. DOC estimates are based on utilizing 489 available emergency beds at a 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 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 costs to the Public Defense Services Commission (PDSC) are indeterminate as the number of potential cases that will be filed is difficult to estimate. PDSC notes that the average cost of representation for misdemeanors is \$350; the average cost of Class C felony is \$750 and the average cost of a Class B felony is \$1,000. Based on Judicial Department estimates, PDSC assumes 5 to 25 additional felony cases will be filed per year, with a split between Class B and Class C felony charges, and 2-10 misdemeanors will be filed per year. Assuming all defendants were eligible for court-appointed counsel PDSC estimates the costs could be as much as \$49,500.

The Judicial Department, District Attorney's and their Deputies, Oregon State Police, and Oregon Youth Authority anticipate a minimal fiscal impact as a result of this measure.