

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 6 – B

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:

Increases punishment for animal neglect in first degree to maximum of five years' imprisonment, \$125,000 fine, or both, and, for repeat animal neglect offenders or animal neglect offenses involving 10 or more animals, to maximum of 10 years' imprisonment, \$250,000 fine, or both.

Government Unit(s) Affected:

Department of Corrections, Department of Justice, District Attorneys and their Deputies, Judicial Department, Oregon Criminal Justice Commission, 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 | \$25,471 | \$77,016 |
| Special Payments to Counties | \$21,595 | \$114,015 |
| Total Cost | \$47,067 | \$191,031 |
| Agency – Fund Type | 2013-2015 Biennium | 2015-2017 Biennium |
| Public Defense Services Commission – General Fund | \$46,216 | \$46,216 |

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 increases penalties for animal abuse and animal neglect including increasing the classifications for the crimes on the sentencing guidelines grid. For felony animal abuse in the first degree, the measure directs the Criminal Justice Commission (CJC) to classify the crime as a category 6 on the sentencing guidelines grid. For aggravated animal abuse in the first degree, CJC is to classify the crime as a category 7. Currently, both of these specific crimes are classified as category 3. CJC assumes 1 conviction per year for animal abuse and 6 convictions per year for aggravated animal abuse.

The measure moves animal neglect in the second degree from Class B misdemeanor to a Class A misdemeanor and moves animal neglect in the second degree to a Class C felony if certain conditions apply. Additionally, the crime classifications increase on the sentencing guidelines grid depending on the number of animals neglected. CJC assumes 2 convictions per year for animal neglect in the second degree.

The measure increases animal neglect in the first degree from Class A misdemeanor to a Class C felony. Additionally, the crime would increase to a Class B felony if certain conditions apply and the crime classifications are increased depending on the number of animals neglected. CJC assumes 2 convictions per year for animal neglect in the first degree.

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 18 months for animal abuse, and 27 months for aggravated animal abuse and animal neglect 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 4 months with an average of three years of probation. The cost per day estimate for local control and probation is \$8.64.

These 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 tenth fiscal impact statement issued by the Legislative Fiscal Office 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.

Based on historical data from the Judicial Department, there was an average of 65 cases per year where the highest charge was second degree animal neglect and 37 cases per year where the highest charge was first degree animal neglect.

The Public Defense Services Commission (PDSC) notes that the average cost of representation for misdemeanors or contempt of court is \$350, the average cost for representation of a Class C felony is \$750, and the average cost of representation of a Class B felony is \$1,000. The elevation of second degree animal neglect to a Class C felony under certain circumstances, and first degree animal neglect to a Class C felony would increase costs to PDSC by approximately \$400 per case. Elevating animal neglect to a Class B felony under certain circumstances would increase costs to PDSC by approximately \$650 per case. Using the historical data from the Judicial Department above, assuming that 10% of the first and second degree animal neglect cases would become at least a Class C felony and that 10% of the first degree animal neglect become Class B felonies, and that 90% of defendants would be eligible for court-appointed counsel, the estimated cost to PDSC could be as much as \$23,108 per year.

There is a minimal fiscal impact to the Judicial Department and District Attorney's and Their Deputies as a result of this measure and no fiscal impact to the Department of Justice.

The measure also creates requirements for animal rescue organizations including record-keeping, licensure requirements and licensing fees, authorization for inspection of records by enforcing agencies, and civil penalties for violations. The licensure fees and civil penalties would be paid to local governments' dog licensing and control enforcing agencies. The fiscal and revenue impact to local governments as a result of this measure is indeterminate.