

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: SB 92**

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  
Date: 2-11-2013

**Measure Description:**

Increases maximum penalty when certain crimes are committed against judicial officer and are related to officer's official duties.

**Government Unit(s) Affected:**

Department of Corrections, District Attorneys and their Deputies, Judicial Department, Oregon Criminal Justice Commission, Public Defense Services Commission, Cities, Counties

**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	\$36,466	\$83,350
Special Payments to Counties	\$2,776	\$6,346
<b>Total Cost</b>	<b>\$39,242</b>	<b>\$89,695</b>

**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 establishes the crimes of Menacing and Harassment as Class C felonies when the crimes are committed against a judicial officer and the commission of the crime is related to the officer's official duties in the justice system. Currently, Menacing is a Class A misdemeanor and Harassment can be either a Class A or Class B misdemeanor.

Based on historical data, the Judicial Department estimates five cases per year will be prosecuted as Class C felonies under the measure. In order to determine placement of offenders, the Criminal Justice Commission (CJC) anticipates the felony charge would be similar to an Assault 3 which is classified as a 6 on the crime class scale. Based on Assault 3 as a proxy, three of the five felonies would be sentenced to prison and two would be sentenced to community corrections, either county jail or probation.

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 24 months in DOC facility at a 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 1 ½ months with an estimated 17 months 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 legislative session, this is the second 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 a basis for funding the Department of Corrections' operations and community corrections budgets.

The Oregon Judicial Department, District Attorney's and their Deputies, and Public Defense Services Commission anticipate a minimal fiscal impact from the workload requirements of this bill.