

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 4125**

Seventy-Seventh Oregon Legislative Assembly – 2014 Regular Session  
Legislative Fiscal Office

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

Prepared by: John Terpening  
Reviewed by: Steve Bender, Linda Gilbert, Daron Hill, Ken Rocco  
Date: 2-11-2014

**Measure Description:**

Adds reserve officer to category of victims for which aggravated murder can be charged when murder is related to performance of official duties.

**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

**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 adds a reserve officer to the list of victims for which aggravated murder may be charged when the murder was related to the performance of the victim's official duties. The measure increases the mandatory minimum sentence from 10 years to 20 years for attempt or conspiracy to commit aggravated murder in cases where victim is a police officer, reserve officer, or member of the Oregon State Police.

The fiscal impact of the measure to the Department of Justice, Judicial Department, District Attorney's and their deputies, the Public Defense Services Commission, and Department of Corrections is anticipated to be minimal.

However, the Public Defense Services Commission (PDSC) notes that the defense of an aggravated murder trial is more costly than a non-aggravated murder trial. PDSC reports that the average cost for aggravated murder cases between 2005 and 2009 was \$248,000. The high cost is attributed to the additional time required for these complex cases, and the cost to meet the guidelines established by the American Bar Association for aggravated murder cases, which include employing at least two attorneys, an investigator, a mitigation specialist, and a qualified individual to screen for mental or psychological disorders. If the number of cases prosecuted is of a sufficient volume, the agencies affected may need to return to the Legislative Assembly or Emergency Board for additional resources.