

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 4036 - A

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: Linda Ames, Steve Bender, Daron Hill, Ken Rocco
Date: 2-13-2014

Measure Description:

Expands crime of assault in the third degree to include, under certain circumstances, causing physical injury to person employed at state mental hospital.

Government Unit(s) Affected:

District Attorneys and their Deputies, Judicial Department, Public Defense Services Commission, Oregon Health Authority (OHA)

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 expands the crime of Assault 3 to include intentionally or knowingly causing physical injury to another person, knowing the person is employed at the state hospital or is a patient of the state hospital. Assault 3 is a Class C felony.

The fiscal impact is indeterminate. The number of assaults that will take place where the assaulting individual was knowingly aware of the other person's role, as a patient or staff member, is unknown.

Based on Oregon State Hospital (OSH) data from April 2012 to September 2013 there were an average of 4 patient-to-patient moderate to severe aggressive events per month. During that same time period there was an average of 9.5 patient-to-staff moderate to severe aggressive events per month. The Oregon Health Authority (OHA) notes that 2.7% of the OSH population accounts for 46% of all aggressive events.

Oregon Health Authority (OHA) anticipates that only 1-2 cases per year would meet the stipulations of the measure because the individuals' aggressive behavior must be demonstrated as acting outside of a mental illness.

The fiscal impact to the Judicial Department, District Attorney's and their deputies, and the Public Defense Services Commission would depend on the number of cases that are brought forward and the level of expert services required for cases involving expert testimony on mental issues. The impact to the Department of Corrections is anticipated to be minimal.