

FISCAL IMPACT OF PROPOSED LEGISLATION

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

**Measure: SB 1550 – A
REVISED**

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

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Measure Description:

Requires trials of misdemeanor crimes to commence within two years of the filing of the charges and trials of felony crimes to commence within three years of the filing of the charges. 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, District Attorneys and their Deputies, Judicial Department, Oregon Criminal Justice Commission, Public Defense Services Commission, Cities, Counties

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:

This fiscal impact statement has been revised based on additional information received from the Public Defense Services Commission.

The measure establishes time frames for trials to be commenced for misdemeanor and felony crimes. There is a minimal fiscal impact as a result of these “speedy trial” requirements to the Judicial Department, District Attorney’s and their Deputies, and Public Defense Services Commission.

The measure also 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. This change would increase the mandatory minimum sentence from 10 years to 20 years in aggravated murder cases where victim is a reserve officer.

The fiscal impact of modifying the aggravated murder statute is anticipated to be minimal to the Department of Justice, Judicial Department, District Attorney’s and their deputies, and Department of Corrections.

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.