

FISCAL IMPACT OF PROPOSED LEGISLATION

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

**Measure: HB 4098 - A
REVISED**

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

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Date: 3-6-2014

Measure Description:

Allows Department of Corrections inmates to receive credit for time served for presentence incarceration after arrest for lesser included offense, greater inclusive offense or crime committed during same criminal episode as sentencing crime.

Government Unit(s) Affected:

Counties, Department of Corrections, District Attorneys and their Deputies, Judicial Department, Oregon Criminal Justice Commission

Summary of Expenditure Impact:

Department of Corrections – General Fund	2013-2015	2015-2017
Prison Costs	(\$307,038)	(\$702,984)
Special Payments to Counties	\$10,198	\$45,512
Total Cost	(\$296,840)	(\$657,472)

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 corrected information received from the Department of Corrections on the appropriate cost per day rate for prison beds.

The measure allows for a person to receive credit for time served for presentence incarceration under certain specific circumstances. In order to estimate the fiscal impact for credit for time served for presentence incarceration, the Criminal Justice Commission (CJC) and Department of Corrections (DOC) used a random sample of 800 inmates. CJC determined the number of inmates that would now be eligible to receive credit for time served under the measure. Based on the marginal cost per day rate of \$21.02, DOC assumes a cost savings of \$125,154 General Fund for 2013-15, and \$407,033 General Fund in 2015-17.

The measure also allows for credit for time served when being held due to a probation revocation. To determine the fiscal impact, CJC used a DOC sample of 120 inmates with probation revocations scheduled to be released from DOC in the next year. CJC determined the number of inmates that would be eligible to receive credit for time served under the measure. Based on the marginal cost per day rate of \$21.02, DOC assumes a cost savings of \$74,598 General Fund for 2013-15, and \$81,380 General Fund in 2015-17.

Additionally, the measure provides that possession, delivery or manufacture of a controlled substance constituting a commercial drug offense must be for a controlled substance other than marijuana. CJC notes that this would move certain marijuana offenses from a level 8 on the Sentencing Guideline Grid to a level 4. Level 8 offenders currently receive a prison sentence with an average length of stay of 16 months, followed by three years of post-prison supervision. The measure's changes would result in offenders receiving presumptive probation of 2 years, rather than three years of post-prison supervision

after time served. Based on DOC historical data, the CJC assumes 21 offenders per year would be affected by this change, with a decrease in post-prison supervision and an increase in probation. For changes to prison bed days, DOC assumes a cost savings of \$107,286 General Fund for 2013-15, and \$214,571 for 2015-17, based on the marginal cost per day rate of \$21.02. For changes to post-prison supervision and probation, DOC assumes a net cost of \$10,198 General Fund in 2013-15 and \$45,512 in 2015-17, based on the local control capitated rate of \$9.32 per day.

There is a minimal fiscal impact to the Judicial Department and District Attorney's and their Deputies as a result of this measure.