

April 21, 2015

Chairman Boquist & Members of the Committee
Senate Committee on Veterans & Emergency Services
Oregon State Capitol

Re: Senate Bill 780—Additional Fiscal-Impact Statement (FIS) Information

Dear Chairman Boquist & Members of the Committee:

Testimony presented at the April 14, 2015 hearing explained that SB 780's provision of counseling for PTSD-afflicted veterans, in the DOC's alcohol and drug treatment AIPs, would be both effective and safe.

Yesterday's FIS predicts (apparently) five veteran-inmates' participation in the program over four years (perhaps two the first biennium and three the second). This seems low given Oregon's nationally high veteran-imprisonment rate and the prevalence of veterans' affliction with PTSD. The FIS also estimates a per veteran-inmate cost of \$35,200, which seems excessive.

Moreover, the FIS does not address the bill's cost savings, which very well would exceed the FIS's cost estimate as follows:

- Minimum sentence reduction from AIP completion: 4 months; maximum: 30 months. OAR 291-062-0130(1)(c) and (6)(e). Presumptive average reduction: $(4 + 30) \div 2 = 17$ months.
- Presumptive average savings **per veteran-inmate**: 17 months \div 12 months \times 365 days \times \$87.08 per day = \$45,028. Total savings from 5 veteran-inmates: **\$225,140**.
- (Assuming FIS accuracy) SB 780 **savings**: \$225,140 - (\$75,262 + \$100,350) = **\$49,528**.
 - This establishes a "break-even" point at 13.3-months savings per veteran-inmate.
- The lack of an SB 780-type program the lost state \$13,062 in savings in imprisonment of decorated Vietnam combat veteran Robert Wilz for his first felony DUII. The lack of a program led to the cost of his second felony DUII prosecution, and, subsequently, to \$99,326 in imprisonment costs.
- The lack of PTSD counseling risks liability for violations of the federal Americans with Disabilities Act (ADA). See *U.S. v. Georgia*, 546 US 151 (2006).

Cost savings and liability avoidance are SB 780's secondary benefits. Its primary benefit is the rehabilitation of PTSD-afflicted veteran-inmates. Please pass the bill and move it to the Senate floor.

Sincerely,



JESSE WM. BARTON
Attorney at Law