

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3400 - 2

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

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Date: 5-27-2015

Measure Description:

~~Allows a person to file a motion to set aside a conviction for certain felony crimes related to marijuana.~~ Allows a person to file a motion to set aside a conviction for certain felony crimes related to marijuana.

Government Unit(s) Affected:

Department of Corrections, District Attorneys and their Deputies, Judicial Department, Oregon Criminal Justice Commission, Oregon State Police (OSP), 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 allows a person to file a motion to set aside a conviction for certain felony crimes related to marijuana. Currently a person convicted of a Class B felony is eligible to set aside that conviction, under certain circumstances, 20 years after the date of conviction. The measure, as amended by the -2, would reduce the amount of time to three years after the date of conviction.

The number of motions filed to set aside a felony marijuana conviction is indeterminate. Oregon State Police (OSP) receives an \$80 fee along with a fingerprint card from each individual seeking to set aside a conviction in order to verify and process the appropriate criminal record. OSP notes that there are currently 78,319 marijuana offense convictions included in the Oregon Computerized Criminal History file that have the potential to become eligible for the set aside process. Depending on the number of set asides that are requested and the timing of those requests, OSP may need to return to the Legislature for additional staffing resources and an increase in Other Funds expenditure limitation for the additional revenue received.

There is a minimal fiscal impact to the Judicial Department and District Attorney's and their deputies as a result of this measure for the processing of set aside motions. There is no fiscal impact to the Public Defense Services Commission or the Department of Corrections.