

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: HB 2320 – A8**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: 6-19-2015

Measure Description:

Directs State Board of Parole and Post-Prison Supervision to adopt sex offender risk assessment methodology and to classify sex offenders into risk levels. Requires the Board of Parole to have five members, authorizes minimum of three board members to make and review certain decisions.

Government Unit(s) Affected:

Counties, Department of Corrections, District Attorneys and their Deputies, Judicial Department, Oregon Criminal Justice Commission, Public Defense Services Commission, Board of Parole and Post-Prison Supervision, Department of Justice, Oregon Health Authority (OHA), Oregon State Police (OSP), Psychiatric Security Review Board

Summary of Expenditure Impact:

Agency – Fund Type	2015-2017 Biennium	2017-2019 Biennium
Board of Parole & Post-Prison Supervision – General Fund		
Personal Services	\$1,847,619	\$2,574,625
Services and Supplies	\$1,315,564	\$891,393
Total Costs	\$3,163,183	\$3,466,018
Positions / FTE	12 / 10.00	15 / 14.25

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 requires the State Board of Parole and Post-Prison Supervision (BPPPS) to adopt a sex offender risk assessment methodology to classify sex offenders into risk levels. Previously, HB 2549 (2013) required the Department of Corrections (DOC) to conduct these assessments on individuals incarcerated and the BPPPS to conduct the assessments on individuals already registered. The measure also requires the Board to have five members, and allows a minimum of three Board members to make and review certain decisions.

The BPPPS is directed to classify persons convicted of certain sex crimes and sentenced to imprisonment. The measure extends the time in which BPPPS must have all existing registrants classified to December 1, 2018. Additionally, the measure requires the juvenile court to hold a hearing at end of its jurisdiction over the juvenile to determine if the juvenile must report as sex offender.

BPPPS anticipates the following positions to conduct the duties assigned in the measure:

Position Title	15-17 POS/FTE	17-19 POS/FTE	Status
Operations and Policy Analyst 3	1 / 0.88	1 / 1.00	Permanent Full-Time
Administrative Specialist 2	5 / 4.38	5 / 5.00	2 Permanent Full-Time 3 Limited Duration
Hearings Officers (1 begins 1/16)	2 / 1.63	2 / 2.00	Permanent Full-Time

Administrative Specialist 1	1 / 0.88	2 / 2.00	Permanent Full-Time
Hearings Specialist (begin 1/16)	1 / 0.75	1 / 1.00	Permanent Full-Time
Board Member (begin 1/16)	2 / 1.50	4 / 3.25	Permanent Full-Time
Total Positions	12 / 10.00	15 / 14.25	

Positions anticipated in the 2015-17 biennium are estimated to begin October 2015, unless otherwise noted, due to the recruitment and hiring process.

The Operations and Policy Analyst 3 will establish the processes and procedures and develop the rules and methodology for implementing the program. The permanent full-time Admin Specialist 2 positions will complete the assessments for inmates within DOC facilities (estimated at 2,079), new out-of-state registrants (estimated at 20 per month), and existing registrants that have not had an assessment (estimated at 5,000 adult males, and 800 females or youth). Three of the Admin Specialists are Limited Duration through the 2017-19 biennium to complete the backlog of registrants needing an assessment.

BPPPS anticipates the need for two Hearings Officers to make recommendations to the Board on any disputed assessments and schedule and conduct reclassification and relief hearing. One of the Hearings Officers is expected to begin January 1, 2016 along with a Hearings Specialist to assist with administrative duties of the Board.

Additionally, BPPPS anticipates needing to increase the Board by two members in 2015-17 (1.50 FTE) and two in the 2017-19 biennia (1.25 FTE), for a total of four additional Board Members beyond the current three. The two Board Members in 2015-17 will begin January 1, 2016. In the 2017-19 biennium, one Board Member will begin January 1, 2018 and the second will begin July 1, 2018. The additional Board Member positions will review the hearings officers' recommendations for classifications and reclassification and relief hearings. BPPPS notes that by January 2019 there will be approximately 6,500 registrants eligible for relief or reclassification. Included in the costs of the Board members are pay-line exceptions for Board member salaries. The Legislative Fiscal Office notes that the Board would need to increase the limits set in statute for the number of Board Members to increase beyond five in 2017-19.

In addition to the Administrative Specialist 1 established in 2015-17 for staff support, BPPPS anticipates a second full-time Administrative Specialist 1 to be established in 2017-19 to provide a Victim Specialist role for relief and reclassification hearings.

BPPPS notes that there is not capacity at their current office location to support the additional positions required, and the Board would need to look at moving all or a portion of the staff to another location. Initial cost estimates for the appropriate amount of office space are around \$420,000 General Fund.

The Public Defense Services Commission (PDSC) notes that there is the right to counsel at state expense for hearings required for persons within jurisdiction of juvenile court or a juvenile found to be GEI of a felony sex crime. Cost of juvenile representation is \$416. PDSC estimates 100-150 hearings per year for a total cost of up to \$124,800 General Fund in a biennium for those hearings.

There is a minimal fiscal impact as a result of this measure to the Judicial Department, District Attorney's and their deputies, Department of Corrections, Department of Justice, Oregon Youth Authority, Oregon State Police, and Psychiatric Security Review Board.

The Oregon Health Authority does not anticipate a fiscal impact as a result of this measure, as the Oregon State Hospital is currently conducting assessments on individuals under supervision for sexual offenses and is communicating the results to the PSRB and Oregon State Hospital Review Panel who use the classifications identified in the measure.