

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2326 REVISED

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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Measure Description:

Provides that when conditional discharge probation has expired but defendant has not fulfilled terms and conditions, case shall not be dismissed.

Government Unit(s) Affected:

Department of Corrections, District Attorneys and their Deputies, Judicial Department, Oregon Criminal Justice Commission, Public Defense Services Commission

Summary of Expenditure Impact:

Agency – Fund Type	2015-2017 Biennium	2017-2019 Biennium
Department of Corrections – General Fund	\$17,378	\$331,047
Agency – Fund Type	2015-2017 Biennium	2017-2019 Biennium
Public Defense Services Commission – General Fund	\$51,500	\$51,500

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 has been revised based on additional information from the Criminal Justice Commission, modifying the estimate of show cause hearings in conditional discharge cases from 10% to 3% based on data from county District Attorney's.

The measure directs the circuit court to conduct a show-cause hearing to determine an extension of the period of probation or enter an adjudication of guilt on conditional discharge cases that have expired where the defendant has not fulfilled terms and conditions of probation. Currently, when a conditional discharge case has expired, the case will discharge and the defendant is no longer on supervision, regardless of fulfillment of the terms and conditions of probation.

The measure will result in additional lengths of supervision for defendants on conditional discharge probation. In 2012, there were 1,138 felony cases with a conditional discharge, based on data provided by the Criminal Justice Commission (CJC). CJC estimates 3% of those felony cases would have a change to the terms of probation where the average length of supervision would increase 18 months. The Department of Corrections cost estimates in the table above are funds that would be distributed to the community corrections department of counties for the costs of felony probation. The cost per day estimate for probation is \$10.72. These cost estimates could vary depending on the actual number of cases, convictions and length of sentences issued.

Based on historical data from the Judicial Department, circuit courts impose a sentence of conditional discharge in approximately 2,300 cases per year, including both felony and misdemeanor cases. The Public Defense Services Commission (PDSC) notes that the average cost for a show-cause hearing is

\$373. Assuming 3% of cases receive the show-cause hearing required by the measure, the additional costs to PDSC could be as much as \$51,500 per biennium.

There is a minimal fiscal impact to the Judicial Department and to the District Attorneys and their Deputies for the additional show-cause hearings.