

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2317 - A

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

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

Prepared by: John Terpening
Reviewed by: John Borden, Linda Gilbert, Ken Rocco, Steve Bender
Date: 4-8-2015

Measure Description:

Extends statute of limitations from 10 years to 12 years for action for recovery of real property or for recovery of possession of real property.

Government Unit(s) Affected:

Judicial Department, Department of Corrections, Department of Justice, District Attorneys and their Deputies, 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		
Prison Cost	\$12,173	\$80,959
Total Cost	\$12,173	\$80,959

This measure is anticipated to have a minimal fiscal impact to state agencies and does not require a referral to the Joint Ways and Means Committee. While this measure does not require an appropriation at this time, the cumulative effect of measures with a prison population impact may require further analysis and adjustment to state agency appropriations. The Legislative Fiscal Office provides in the table above and the narrative below the potential costs to state agencies in order to provide more context for the measure’s fiscal impact.

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 extends the date of which a prosecution must commence for certain first degree sex crimes to 12 years after the commission of the crime. For crimes against a victim that was under 18 years of age, the prosecution must commence any time prior to the victim turning 30. Currently, prosecutions must commence within 6 years after the commission of the crime unless the victim is under 18 years of age. The measure applies to offenses committed on or after January 1, 2016 and does not apply to prosecutions that are already barred by current law or would be prior to January 1, 2016.

The number of cases that could now be prosecuted under the changes within the measure is indeterminate. The Criminal Justice Commission (CJC) estimates that the extension of the timeframe may result in additional 2 felony convictions per year. CJC data shows that 100% of convictions for the first degree sex crimes listed in the measure result in prison sentences with an average length of stay of 15 years.

While two convictions per year is generally considered a minimal increase to the Department of Corrections (DOC), given the length of stay for these types of convictions and the compounding effects of sentences, the costs will increase in the future biennia not listed in the table above.

The estimated length of stay is assumed to be approximately 15 years in a DOC facility at a marginal cost per day of \$23.41. DOC assumes any incarcerated inmates will be distributed into existing housing facilities and there would be no additional costs for staffing or construction. Based on the Corrections Population Forecast projections from the Office of Economic Analysis, DOC estimates are based on utilizing 76 available emergency beds at the marginal cost per day, beginning July 1, 2015. If emergency bed capacity is exceeded by the cumulative effects of measures passed during the session, DOC may need to establish permanent beds at a cost per day of \$95.42.

HB 3194 (2013) requires a 10-year estimate of the fiscal impact for measures with an effect on crimes and sentencing. Using the conviction rate assumptions listed above, DOC anticipates the costs for the 2019-21 biennium to be \$172,854 General Fund, \$265,597 General Fund in 2021-23, and \$350,982 General Fund in 2023-25.

This measure is anticipated to result in additional felony cases in circuit court; however the fiscal impact of those cases is anticipated to have a minimal impact to the Judicial Department, Public Defense Services Commission, District Attorney's and their Deputies, and the Department of Justice. The Public Defense Services Commission notes that the defense of prosecutions that have been delayed can be more costly and may require additional resources beyond the standard felony rate.

The Legislative Fiscal Office (LFO) notes that these cost estimates could vary depending on the actual number of background checks conducted, criminal cases, convictions and length of sentences issued.