

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3468

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: Steve Bender, John Borden, Linda Gilbert, Ken Rocco
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Measure Description:

Adds threatening to cause physical injury to animal to induce other person to engage in conduct as manner of committing crime of coercion.

Government Unit(s) Affected:

Department of Corrections, Department of Justice, 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 | | |
| Prison Cost | \$10,025 | \$51,549 |
| Special Payments | \$2,409 | \$23,555 |
| Total Cost | \$12,434 | \$75,104 |

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 expands the crime of coercion to include threatening to cause physical injury to an animal as a way to induce another person to engage in conduct. Currently, the crime of coercion is a Class C felony.

The Criminal Justice Commission (CJC) estimates that the expansion of coercion may result in an additional 2 felony convictions per year based on discussions with district attorney’s that specialize in domestic violence and animal abuse. The district attorney’s reported that the behavior being criminalized in the measure occurs frequently, but is not expected to be charged very frequently. CJC assumes the felony sentencing patterns for this expanded level of coercion will remain similar to the current sentencing patterns of coercion. Using current sentencing patters, CJC estimates about 36% would result in a prison sentence with in a Department of Corrections facility, 11% would be sentenced under local control, and the remainder or 53% would receive a probation sentence with an average length of 21 months.

The Department of Corrections (DOC) estimates a three-month lag between the effective date and the date first offenders may be received. Included in the cost estimates in the above table are funds that would be distributed to the community corrections departments of counties for the costs of probation,

post-prison supervision and local control. The estimated length of stay is assumed to be approximately 23 months in a DOC facility at a marginal cost per day of \$23.41. The estimated length of stay in local control is less than 2 months, with an estimated 20.5 months of probation. The cost per day estimate for local control and probation is \$10.72 per offender.

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 December 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 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 \$110,069 General Fund, \$116,139 General Fund in 2021-23, and \$116,413 General Fund in 2023-25.

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