

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2367 - A

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:

Establishes Task Force on Adopting the Uniform Collateral Consequences of Conviction Act.

Government Unit(s) Affected:

Oregon Judicial Department (OJD), Oregon Criminal Justice Commission (OCJC), Department of Justice (DOJ), Department of Corrections (DOC), Oregon Youth Authority (OYA), Legislative Counsel (LC) Public Defense Services Commission (PDSC), Department of Administrative Services (DAS), Department of Human Services (DHS)

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 statement is for the purpose of transmitting House Bill 2367 from the House Committee on Judiciary to the Joint Committee on Ways and Means.

The bill establishes the Collateral Consequences of Conviction and Juvenile Adjudication Act, and creates the Collateral Consequences Commission charged with

1. Identifying all provisions in the Constitution, the Oregon Revised Statutes, and the Oregon Administrative Rules that impose a collateral sanction or authorize the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence.
2. Prepare a collection of citations to, and the text or short descriptions of, all the provisions identified above. The Collateral Consequences Commission must update this collection by February 1st of each year.

The Oregon Criminal Justice Commission is directed to provide staff support to the Collateral Consequences Commission, and to publish this collection of collateral consequences. The bill permits the Oregon Criminal Justice Commission to publish this list on its website.

The Chief Justice of the Supreme Court, Legislative Counsel, the Attorney General, the Public Defense Services Commission, and the Oregon Department of Administrative Services are required to appoint members to the Collateral Consequences Commission.

The bill authorizes the Collateral Consequences Commission to consult with the Department of Corrections and the Oregon Youth Authority.

Further Analysis Required

In addition, the bill requires a youth in juvenile delinquency case to be notified of potential collateral consequences when the youth is issued a summons. The measure specifies the information to be included in the notice in the summons. At the youth's first appearance in juvenile court, the court is required to confirm that that the youth and the parent or guardian of the youth received notice of potential collateral consequences. Before the juvenile court proceeds to trial or accepts an admission, the court shall confirm that the youth and the parent or guardian of the youth received and understands the notice and that the youth has had an opportunity to discuss the notice with his or her attorney.

Furthermore, the bill requires the court to:

- Cause the defendant to be notified of collateral consequences when the defendant appears for arraignment on an accusatory instrument. The measure specifies the information required to be in the notice. Before the court proceeds to trial or accepts a plea of guilty or no contest from a defendant, the court is required to confirm that the defendant received and understands the notice and has had an opportunity to discuss the notice with his or her attorney.
- Provide, at sentencing, to a defendant convicted or found guilty except for insanity notice of specified information. If a defendant is sentenced to a term of incarceration of more than six months or committed for a period of more than six months, the officer or agency releasing the defendant also shall provide this notice at least 10 days before release.
- Provide a youth offender, found to be within the jurisdiction of the juvenile court, notice of specified information. If the disposition of the youth offender's case results in detention, or commitment to a youth correction facility for a period of more than six months, the officer or agency releasing the youth offender shall provide this notice at least 10 days before release.

The bill is anticipated to have a fiscal impact on the Oregon Judicial Department, the Oregon Criminal Justice Commission, the Department of Justice, the Department of Corrections, the Oregon Youth Authority, the Public Defense Services Commission, the Department of Administrative Services, and Legislative Counsel. The amount of this impact is still being determined.

A more complete fiscal analysis on the bill will be prepared as the measure is considered in the Joint Committee on Ways and Means.

Further Analysis Required