

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: SB 871 - 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
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Date: 4-27-2015**Measure Description:**

Directs law enforcement agency to notify Attorney General when police officer's use of deadly physical force causes death of person.

Government Unit(s) Affected:

Cities, Counties, Department of Justice, District Attorneys and their Deputies, Judicial Department, Public Defense Services Commission, Oregon State Police (OSP)

Summary of Expenditure Impact:

Agency – Fund Type	2015-2017 Biennium	2017-2019 Biennium
Oregon Judicial Department – General Fund	\$346,925	\$444,158

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 law enforcement agencies to notify the Attorney General when a police officer's use of deadly force causes the death of a person and that all of these cases be presented to a grand jury and that the proceeding is recorded by a stenographer. The measure is effective January 1, 2016.

Based on data from 2010 to 2014, there has been an average of 22 cases per year across 22 Oregon counties, with the majority of the cases occurring in Multnomah, Washington, Marion, Jackson, and Clackamas counties.

The Oregon Judicial Department (OJD) anticipates establishing a workgroup to determine the process for the court reporter requirements, process, equipment, and records retention. While the measure is silent, OJD assumes the court would be responsible for paying for the stenographer, which are typically \$60 per hour plus travel and other expenses.

OJD notes that these types of cases are more complex and require a minimum of ten grand jury days at approximately 6 hours per day. Using the estimate of 22 cases per year, 60 hours per case, and the standard rate of \$60 per hour, OJD anticipates the costs to be approximately \$158,400 per biennium for the stenographer. OJD notes that these costs do not include travel and other expenses.

Additionally, OJD assumes the costs of preparing a transcript of the stenographers report would also be required and paid for by the circuit court. These costs are estimated to be around \$264,000 per biennium, using the current rate of \$3 per page and a 2,000 page estimate per case.

Based on the assumptions that OJD will cover the costs of the stenographer and transcripts, there is a minimal fiscal impact to the District Attorney's and their deputies and the Department of Justice. There is not anticipated to be a fiscal impact to the Public Defense Services Commission or Oregon State Police.