

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 4045 - 3

78th Oregon Legislative Assembly – 2016 Regular Session
Legislative Fiscal Office

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

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Measure Description:

Establishes mandatory minimum sentences for crimes of unlawful possession of a firearm and felon in possession of a firearm.

Government Unit(s) Affected:

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

Summary of Expenditure Impact:

Agency -- Fund Type	2015-2017 Biennium	2017-2019 Biennium
Department of Corrections -- General Fund		
Community Corrections	\$21,965	\$355,947

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 or local control 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 establishes a mandatory minimum sentence for the crime of unlawful possession of a firearm to 8 days, and a felon in possession of a firearm to 30 days in jail.

The Department of Corrections notes that any impact on the prison population will be minimal, but that individuals who are required to serve the mandatory minimum of 30 days in jail will have an impact on community corrections departments of counties for the costs of local control.

The Criminal Justice Commission (CJC) anticipates that local control bed usage would initially increase as offenders that previously were sentenced only to probation or to terms of local control less than 30 days would now receive the mandatory 30 days incarceration. However, the CJC estimates that the initial increased costs for local control populations would be offset going forward by savings achieved from the shift in the length of supervision after the term of incarceration is complete.

Previously, 49% of offenders for felon in possession of a firearm received 3 years of probation per the Oregon Sentencing Guidelines. CJC notes that under the new guidelines, offenders receiving the mandatory 30 days incarceration would now receive 2 years of post-prison supervision. This reduction in time on probation to fewer years of post-prison supervision will result in cost savings to the Department of Corrections over time. The cost estimates included in the table above 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 cost per day estimate for local control and probation is \$10.72 per offender.

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 cost savings for the 2019-21 biennium to be \$336,368 General Fund, \$797,652 General Fund in 2021-23, and \$832,260 General Fund in 2023-25.

There is no fiscal impact to the Judicial Department, District Attorneys and their Deputies, or the Public Defense Services Commission, as the mandatory minimum changes would not necessarily impact the number of cases filed.

The Legislative Fiscal Office notes that these cost estimates could vary depending on the actual number of cases and convictions that occur.