

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 4045

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	\$874	\$227,795

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 10 days, and a felon in possession of a firearm to 120 days, or 300 days if the person has previously served time in custody of the Department of Corrections (DOC).

The Criminal Justice Commission (CJC) anticipates that the impact on the DOC prison population will be minimal, but that individuals who are required to serve the mandatory minimum of 120 or 300 days in jail will have an impact on community corrections departments of counties for the costs of local control.

In 2015, CJC reports there were 285 convictions of a felon in possession of a firearm that would now be subject to the mandatory minimum of 120 days. Previously, approximately 25% of these convictions were sentenced to local control, with an average length of stay of 2 months, and 55% of these convictions were sentenced to probation without jail time. Under HB 4045, all of these individuals would now be required to serve 120 days in jail.

In 2015 CJC reports that there were 164 convictions of a felon in possession of a firearm that would now be subject to the mandatory minimum of 300 days. Previously, approximately 9% of these convictions were sentenced to local control, with an average length of stay of 1.3 months, and 38% received probation. Under HB 4045, all of these individuals would now be required to serve 300 days in jail.

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 costs for the 2019-21 biennium to be \$1,018,381 General Fund, \$1,802,159 General Fund in 2021-23, and \$1,880,613 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.