

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2955

79th Oregon Legislative Assembly – 2017 Regular Session
Legislative Fiscal Office

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

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Measure Description:

Provides that person commits crime of strangulation if person knowingly impedes normal breathing or circulation of another person by applying pressure to chest of other person.

Government Unit(s) Affected:

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

Summary of Expenditure Impact:

| Agency -- Fund Type | 2017-19 Biennium | 2019-21 Biennium |
|---|-------------------------|-------------------------|
| Department of Corrections -- General Fund | | |
| Prison Cost | \$1,185,719 | \$3,090,527 |
| Special Payments | \$272,328 | \$1,176,226 |
| Total Cost | \$1,458,047 | \$4,266,753 |

Analysis:

The measure modifies the crime of strangulation to include impediment of normal breathing or circulation of blood of another person by applying pressure to the chest of the other person. The measure also increases the crime of strangulation to a Class C felony if the victim is a family or household member.

Based on data provided by the Criminal Justice Commission (CJC), in 2016 there were 49 convictions of felony strangulation and 238 convictions for misdemeanor strangulation, where that is the most serious conviction on the case. CJC anticipates this measure may result in an additional 79 felony convictions per year. Using conviction rates of felony strangulation, CJC estimates about 35% would result in a prison sentence within a Department of Corrections facility, 12% would be sentenced under local control, and the remainder or 50% would receive a probation sentence with an average length of 34 months.

DOC assumes a three-month lag between the measures effective date and the date first offenders may be received. Included in the cost estimates in the table above are funds that would be distributed to community corrections departments of counties for the cost of probation, post-prison supervision, and local control. The estimated length of stay is assumed to be approximately 22 months in a DOC facility at a cost per day of \$110.34. DOC notes that this is the permanent bed rate, as there is no available emergency bed capacity. The estimated length of stay in local control is approximately 1 month, with an estimated 34 months of probation. The cost per day estimate for local control and probation is \$11.69 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 2021-23 biennium to be \$5,217,201 General Fund, \$5,396,697 General Fund in 2023-25, and \$5,420,090 General Fund in 2025-27.

The measure is anticipated to result in additional misdemeanor and felony cases in circuit court; however, the fiscal impact of those cases is anticipated to have a minimal impact to the Judicial Department, District Attorney's and their Deputies, and the Department of Justice. The fiscal impact to PDSC, however, while indeterminate, could be significant if a substantial number of cases now charged as misdemeanors are charged as felonies under the bill.

PDSC assumes that 90% of those cases would become Class C felony charges under this measure. The average cost to PDSC to provide defense for a misdemeanor charge is \$423, while the average cost to defend a Class C felony charge is \$754. Based on PDSC assumptions, the agency anticipates that costs may increase by up to \$512,500 for the 2017-19 biennium.

The Legislative Fiscal Office notes that actual costs would vary depending on the actual number of criminal cases, convictions, and length of sentences issued. The PDSC may need to request supplemental General Fund support, depending on the workload impacts realized from the bill.