

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 323 - 1

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

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

Prepared by: John Terpening
Reviewed by: Steve Bender, John Borden, Julie Neburka
Date: 3-31-2017

Measure Description:

Provides that person commits crime of arson in the second degree if person manufactures controlled substance and causes fire or explosion that damages building or damages property in amount exceeding \$750.

Government Unit(s) Affected:

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

Summary of Expenditure Impact:

Agency -- Fund Type	2017-19 Biennium	2019-21 Biennium
Department of Corrections -- General Fund		
Prison Cost	\$76,978	\$295,008
Special Payments	\$18,765	\$90,196
Total Cost	\$95,743	\$385,204

This measure is anticipated to have a minimal fiscal impact to state agencies and does not require a referral to the Joint Committee on Ways and Means. 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 measures fiscal impact.

Analysis:

The measure creates the offense of arson incident to the manufacture of a controlled substance in the first degree, as a Class A felony, and in the second degree as a Class C felony.

The Criminal Justice Commission (CJC) estimates the creation of this crime in the first degree may result in 4 felony convictions a year. Using the conviction rates for Arson 1, CJC estimates that 50% would result in a prison sentence within a Department of Corrections (DOC) facility, 7% would be sentenced under local control, and the remainder or 43% would receive a probation sentence with an average length of 40 months. For the crime in the second degree, CJC estimates 3 convictions per year with 8% resulting in a prison sentence, 28% sentenced under local control, and 64% sentenced to probation with an average length of 23 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 in a DOC facility is assumed to be approximately 40 months for the crime in the first degree and 13.5 months for the crime in the second degree. To project the costs, DOC is using the permanent bed rate of \$110.34, as there is no available emergency bed capacity. The estimated length of stay in local control is 2-3 months with probation ranging from 23 to 40 months. 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 \$554,203 General Fund, \$631,862 General Fund in 2023-25, and \$663,354 General Fund in 2025-27.

The measure is anticipated to result in additional felony cases in circuit court, however, the fiscal impact of those cases is anticipated to have a minimal impact to the Judicial Department, Public Defense Services Commission, District Attorney's and their Deputies, and the Department of Justice.

The Legislative Fiscal Office notes that these cost estimates could vary depending on the actual number of criminal cases, convictions, and length of sentences issued.