

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 2620**

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:**

Expands crime of assault in the third degree to include physical injury to person working in hospital while worker is performing official duties.

**Government Unit(s) Affected:**

Department of Justice, Department of Corrections, District Attorneys and their Deputies, Judicial Department, Oregon Criminal Justice Commission, Oregon Health Authority (OHA), Oregon State Police (OSP), Public Defense Services Commission

**Summary of Expenditure Impact:**

Agency -- Fund Type	2017-19 Biennium	2019-21 Biennium
Department of Corrections -- General Fund		
Prison Cost	\$214,137	\$718,633
Special Payments	\$52,446	\$265,562
<b>Total Cost</b>	<b>\$266,583</b>	<b>\$984,195</b>

**Analysis:**

The measure expands the crime of assault in the third degree to include physical injury to a person working in a hospital while worker is performing official duties. Assault 3 is a Class C felony except under certain circumstances.

The Criminal Justice Commission (CJC) estimates that this measure may result in an additional 20 convictions of Assault 3 per year. Using the conviction rates for Assault 3 from 2014 to 2016, CJC estimates about 33% would result in a prison sentence within a Department of Corrections (DOC) facility, 13% would be sentenced to local control, and the remainder or 54% would receive a probation sentence with an average length of 30 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 the community corrections departments of counties for the costs 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 3 months, with an estimated 30 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 \$1,320,020 General Fund, \$1,385,935 General Fund in 2023-25, and \$1,395,517 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 fiscal 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.