

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: SB 483 - 3**

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: 4-12-2017

**Measure Description:**

Creates crime of unlawful use of a global positioning system device.

**Government Unit(s) Affected:**

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

**Summary of Expenditure Impact:**

<b>Agency -- Fund Type</b>	<b>2017-19 Biennium</b>	<b>2019-21 Biennium</b>
Department of Corrections -- General Fund		
Prison Cost	\$13,164	\$53,818
Special Payments	\$3,506	\$24,283
<b>Total Cost</b>	<b>\$16,670</b>	<b>\$78,101</b>

*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 measure's fiscal impact.*

**Analysis:**

The measure creates the crime of unlawful use of a GPS device by knowingly attaching it to a vehicle without the consent of the owner. The crime is classified as a Class A misdemeanor, unless the individual has a previous conviction for stalking or is violating a court order for stalking, in which case it becomes a Class C felony.

The Criminal Justice Commission (CJC) anticipates that the creation of this crime may result in 1 or 2 felony convictions a year. Using the conviction rates of luring a minor, CJC estimates about 29% would result in a prison sentence within a Department of Corrections (DOC) facility, 12% would be sentenced under local control, and the remainder or 59% would receive a probation sentence with an average length of 32 months.

While two convictions per year is generally considered a minimal increase to DOC, given the length of stay, the compounding effects of sentences, and the lack of available emergency beds within the DOC system, the costs will increase in the future biennia not listed in the table above.

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 costs of probation, post-prison supervision, and local control. The estimated length of stay is assumed to be approximately 16 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 2 months, with

an estimated average 32 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 \$104,119 General Fund, \$106,605 General Fund in 2023-25, and \$106,673 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 Public Defense Services Commission (PDSC) notes that the average cost of defense for a Class A misdemeanor is \$423 and the average cost for defense of a Class C felony is \$754. The Judicial Department anticipates an increase of 15-20 misdemeanors per year and 1-5 felony cases per year. Using the average cost of defense above, PDSC would have additional expenditures of up to \$24,460 General Fund per biennium, if all persons charged qualified for public defense.

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.