

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2717 - A

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: 4-7-2017

Measure Description:

Increases penalties for assault committed against employee of mass transit district or transportation district if employee is assaulted while acting within scope of employment.

Government Unit(s) Affected:

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	\$96,362	\$323,385
Special Payments	\$23,601	\$119,503
Total Cost	\$119,963	\$442,888

Analysis:

The measure modifies the Class C felony crime of Assault 3 to include assaults committed against an employee of a mass transit district or transportation employee while acting within scope of employment.

Based on information received from the Multnomah County Tri-met District Attorney, the Criminal Justice Commission (CJC) estimates that this measure may result in an additional 8-10 felony convictions 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 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 \$594,009 General Fund, \$623,670 General Fund in 2023-25, and \$627,982 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 costs estimates could vary depending on the actual number of criminal cases, convictions, and length of sentences issued.