

**FISCAL IMPACT OF PROPOSED LEGISLATION****Measure: HB 2826**79th Oregon Legislative Assembly – 2017 Regular Session  
Legislative Fiscal Office***Only Impacts on Original or Engrossed  
Versions are Considered Official***Prepared by: John Terpening  
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Date: 4-12-2017**Measure Description:**

Requires court to impose mandatory minimum sentence of imprisonment if person is convicted of crime of fleeing or attempting to elude police officer under certain circumstances.

**Government Unit(s) Affected:**

Cities, Counties, 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:**

| Agency -- Fund Type                       | 2017-19 Biennium | 2019-21 Biennium |
|---|------------------|------------------|
| Department of Corrections -- General Fund | \$1,381,010      | \$2,403,185      |

**Analysis:**

The measure increases the mandatory minimum sentence for persons convicted of felony fleeing or attempting to elude a police officer if the crime is committed while driving 30 miles per hour in excess of the speed limit or in a residential or business district, or in a school zone. The sentence increases to 30 days imprisonment for first conviction, 60 days for second conviction, and 90 days for third or subsequent convictions. These sentences would be in local control rather than in a Department of Corrections (DOC) facility.

The Criminal Justice Commission (CJC) estimates that all felony elude convictions in the Metro Counties (i.e. Clackamas, Lane, Marion, Multnomah, and Washington), estimated at about 170 per year, would meet the measures stipulations. CJC estimates that about half of the felony elude convictions that occur in the other counties, estimated at about 90 per year, would also meet the measures stipulations. CJC assumes that all convictions under this measure would also receive 12 months of post-prison supervision.

DOC assumes a three-month lag between the measures effective date and the date first offenders may be received. The costs in the table above are funds to be distributed to the community corrections departments of counties for the costs of probation, post-prison supervision, and local control. The cost per day estimate for local control and post-prison supervision is \$11.69 per offender.

HB 3194 (2013) requires a 10-year estimate of the fiscal impact of the measures with an effect on crimes and sentencing. Based on the measures local control requirements and the conviction rate assumptions listed above, DOC anticipates the costs for the 2021-23 biennium to be \$2,424,062 General Fund, \$2,424,075 General Fund in 2023-25, and \$2,424,075 General Fund in 2025-27.

There measure 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 and convictions issued.