

FISCAL IMPACT OF PROPOSED LEGISLATION

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

Measure: HB 2238 - A

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

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Measure Description:

Modifies process applicable to racial and ethnic impact statements. Reinstates Task Force on Public Safety through 2023.

Government Unit(s) Affected:

Cities, Counties, Department of Human Services (DHS), District Attorneys and their Deputies, Legislative Assembly, Oregon Criminal Justice Commission, Oregon State Police (OSP), Secretary of State, Task Force/Committees, Department of Corrections

Analysis:

This bill modifies the process applicable to racial and ethnic impact statements. Current law requires the Criminal Justice Commission to prepare a racial and ethnic impact statement for a bill or a ballot measure upon request of a member of the Legislature. This requirement is repealed on January 1, 2018. Under this bill, the Commission must prepare such a statement on any ballot measure or bill that is related to crime and likely to impact the criminal justice system. These requirements would not have a sunset date.

This bill also reinstates the 13-member Task Force on Public Safety that was repealed on the date of the convening of the 2017 Legislative Assembly. The Task Force is directed to study security release in Oregon, focusing on racial and ethnic disparity in pretrial incarceration. The President of the Senate and the Speaker of the House must each appoint two members, the Chief Justice is directed to appoint two members, and the Governor appoints seven members, including a county commissioner, a district attorney, a criminal defense attorney, two representatives of law enforcement, a community corrections director, and a crime victims advocate. The Criminal Justice Commission, the Department of Corrections, and the Department of Administrative Services are directed to provide staff support to the task force. The bill takes effect upon passage and the task force sunsets on the date of the convening of the 2023 regular session of the Legislative Assembly.

Judicial Department

The Chief Justice would appoint two judges to serve on the task force, which would likely impact their workload. In addition, if the task force requested information from the Judicial Department about security release, pretrial risk assessments, failure to appear, and criminal fines and fees, Department staff would need to gather data from the case-tracking and case-management systems and provide information regarding court operations and procedures. The Judicial Department will experience a minimal fiscal impact to meet the provisions of this bill.

Legislative Assembly

Four members of the task force will be legislative members who are entitled to per diem and travel reimbursement. The estimated per diem and travel reimbursement cost for the four legislative members is \$804 per day. This amount includes the Federal Insurance Contribution Act (FICA) tax, and assumes per diem remains at \$142 per day, and the average mileage of 90 miles at the current rate of \$0.535 per mile. Although the 2017-19 Legislative Assembly budget contains funds allocated for interim committee and task force, if the work required by this task force, or if the cumulative enactment of other legislation with interim committees and task forces exceeds expenditure levels beyond those assumed in the 2017-19 budget, additional General Fund resources may be required. The task force would not incur

additional costs to the Legislative Assembly budget if the meetings are held at the Capitol building during Legislative Session, Task force or Legislative Days.

Department of Corrections

The Department of Corrections may be asked to provide staff support to the task force. DOC does not anticipate that this bill would require additional staff or resources. This bill will have a minimal fiscal impact on the Department of Corrections.

Criminal Justice Commission

The Criminal Justice Commission will assist the task force as needed and prepare racial and ethnic impact statements as required. These tasks can be absorbed with existing staff. There will be a minimal fiscal impact to the Criminal Justice Commission with this bill.

Department of Administrative Services

The Department of Administrative Services (DAS) will assist the task force as needed. There is no fiscal impact to DAS.

Secretary of State

The cost for adding racial and ethnic statements to the voters' pamphlet in future elections will be determined by the number of statements submitted by the Criminal Justice Commission. The cost for a page in the voters' pamphlet for the 2016 general election was \$295.95. Should the addition of these statements require the publication of a second volume of the voters' pamphlet, the cost would be approximately \$400,000-\$500,000. The Legislative Fiscal Office (LFO) assumes that the Secretary will seek General Fund support from the Emergency Board or Legislative Assembly if the actual voters' pamphlet costs exceed currently budgeted election expenditures. The fiscal impact to the Secretary of State is indeterminate.

Cities and Counties

Cities and counties will have a minimal fiscal impact for participation by a county commissioner, and representatives of law enforcement and community corrections on the task force.

District Attorneys and Public Defenders

The district attorneys and public defenders do not anticipate a fiscal impact for participation on the task force.