

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2794 - A

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:

Reduces penalties for crime of possession of gambling records in the second degree.

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		
Prison Cost	\$1,240,728	\$3,299,841
Special Payments	\$234,897	\$1,113,624
Total Cost	\$1,475,625	\$4,413,465

Analysis:

The measure makes changes to the crime of Unauthorized Use of a Vehicle (UUV) which is a Class C felony. The measure attempts to clarify the circumstances required to authorize prosecution of the crime, including the individual knowingly operating the vehicle and the existence of slight corroborative evidence of the absence of the owner’s consent at the time.

The Criminal Justice Commission (CJC) estimates that this measure may result in an additional 82 convictions of UUV per year. Using the conviction rates for UUV from 2014 to 2016, CJC estimates about 38% would result in a prison sentence within a Department of Corrections (DOC) facility, 18% would be sentenced to local control, and the remainder or 44% would receive a probation sentence with an average length of 24 months.

DOC assumes a three-month lag between the measure’s 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 18 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 24 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 \$5,302,487 General Fund, \$5,420,032 General Fund in 2023-25, and \$5,446,507 General Fund in 2025-27.

The measure is anticipated to result in additional felony cases in circuit court. Based on testimony in the House Judiciary Committee, Multnomah County has experienced a 20% increase in the number of reported auto thefts, however UUV cases have declined by 20%. Based on this testimony, and the

measure's intent to clarify, the Public Defense Services Commission (PDSC) assumes an increase of somewhere between 5% and 20% of these cases. PDSC notes that the average cost of a Class C felony is \$754. Using the average cost of defense above, PDSC could have additional expenditures of up to \$404,144 General Fund per biennia for a 20% increase in court appointed cases.

There is anticipated to be a minimal fiscal impact as a result of this measure to the Judicial Department, District Attorneys 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.