

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: HB 3078 - A REVISED**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: 6-21-2017**Measure Description:**

Modifies eligibility for Family Sentencing Alternative Pilot Program.

Government Unit(s) Affected:

Department of Corrections, Department of Human Services (DHS), 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		
Personnel Costs	\$100,900	\$190,139
Prison Costs	(\$593,341)	(\$4,131,299)
Special Payments to community corrections	\$697,948	\$3,102,651
Total Costs	\$205,507	(\$838,509)

Analysis:***This fiscal impact statement has been revised based on additional information received by the Department of Corrections related to the start date of positions.***

The measure modifies eligibility for the Family Sentencing Alternative Pilot Program, increases the short-term transitional leave from 90 to 120 days, reduces the presumptive sentence for the crimes of Theft 1 and ID Theft and allows for the supervising authority to impose high level supervision for at least one year for those offenses. Finally, the measure requires the Criminal Justice Commission to study the impacts of the measure on prison utilization, recidivism, and public safety and report to the Legislature annually no later than February 1.

The measure includes blank General Fund appropriations for the Department of Corrections (DOC), Criminal Justice Commission (CJC), Department of Justice (DOJ), and Department of Human Services (DHS) and includes a blank federal funds expenditure limitation for DHS.

DOC states that the change in the short-term transitional leave will create additional workload that will require an Operations and Policy Analyst 1 position to assist in processing eligible inmates. This position is anticipated to start July 1, 2018. The biennial costs for this position are included in the table above as personnel costs. Additionally, that change and the changes to the presumptive sentences for Theft 1 and ID Theft would result in prison bed savings included in the table above as prison costs. These are estimated by first deactivating existing emergency beds at a marginal cost per day of \$23.33 before closing any permanent beds. There are currently 880 emergency beds being utilized. The costs in the table above for special payments represents the impact to community corrections.

HB 3194 (2013) requires a 10-year estimate of the fiscal impact for measures with an effect on crimes and sentencing. Using the changes to short-term transitional leave and presumptive sentences to Theft 1 and ID Theft, DOC anticipates cost savings in the 2021-23 biennium to be \$5,497,323 General Fund, \$7,399,811 General Fund savings in 2023-25, and \$7,745,740 General Fund in 2025-27.

Finally, DOC notes that there will be an indeterminant impact as a result of the “high level of supervision” outlined by the measure. This is commonly referred to as SB 416 (2011) programs, which is a prison diversion program. The number of counties that may utilize this program is unknown and is not defined in the measure, although testimony provided to the legislature indicates the intent for five “medium sized” counties to participate. The impact to DOC would be a reduction in prison costs for the diversion, an increase in costs for probation, and a reduction in costs for post-prison supervision. If five medium sized counties participated, DOC estimated that this could result in General Fund savings of \$55,119 in 2017-19, \$327,944 General Fund savings in 2019-21, \$534,526 General Fund savings in 2021-23, \$591,342 General Fund savings in 2023-25, and \$598,488 General Fund savings in 2025-27. It should be noted that these estimates are not included in the table above as the specific counties that will participate has not been determined.

DHS notes that funds for the Family Sentencing Alternative Pilot Program are included in the agency’s current service level funding and does not require additional limitation or General Fund appropriation for this program, provided that funding remains intact. As a result, changes to the eligibility requirements would be a minimal impact to DHS.

There is a minimal fiscal impact to the Judicial Department from the changes to sentencing and minimal to CJC for the reporting requirements. There is no fiscal to DOJ or the Public Defense Services Commission.