

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 4056 - A

79th Oregon Legislative Assembly – 2018 Regular Session
Legislative Fiscal Office

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

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Measure Description:

Distributes civil forfeiture proceeds to scholarship program for family members of deceased or disabled public safety officers.

Government Unit(s) Affected:

Counties, Criminal Justice Commission (CJC), Department of Justice (DOJ), Higher Education Coordinating Commission (HECC), Oregon State Police (OSP)

Summary of Expenditure Impact: See Analysis

Analysis:

The measure adjusts the distribution of civil forfeiture proceeds to include allocating 10% of certain forfeiture proceeds for a scholarship program for children of deceased or disabled public safety officers. This new distribution applies to instances when the forfeiting agency is the state and when the forfeiting agency is not the state. Currently, civil forfeiture proceeds are first used to pay the costs incurred by the forfeiting agencies in investigating and prosecuting the case, including costs, disbursements, and attorney fees as well as some special expenses. After payment of these costs, the proceeds are disbursed to several different funds, including the Illegal Drug Cleanup Fund (10%), Asset Forfeiture Oversight Account (3%), Criminal Justice Commission Account (20%) for specialty courts, Early Learning Division Fund (10%), and then to any agencies that participated in the seizure or forfeiture.

The fiscal impact is indeterminate. The number of civil forfeitures and the amount of proceeds derived from those forfeitures is unknown. For forfeiture agencies, such as local law enforcement, Oregon State Police, or the Department of Justice, this distribution potentially represents less money that they would retain after all other distributions are accounted for.

The measure also makes modifications to the existing scholarship for family members of deceased or disabled public safety officers that is administered by the Higher Education Coordinating Commission’s Office of Student Access and Completion (OSAC). Currently, OSAC provides scholarships to an average of 8-10 students per year for this program, paid out of funds used for the Oregon Opportunity Grant. Under the measure this program would be funded with the 10% distribution received from the civil forfeiture proceeds. The scholarship program is operative July 1, 2018 and applies to applications submitted on or after that date.

The fiscal impact to OSAC is indeterminate and will depend on the demand for the scholarship and the number of eligible recipients. OSAC does not anticipate needing to make significant changes to existing program administration for the measures modifications to the program, and reports a minimal expenditure impact for administering the program and the reporting requirement to the Legislature. OSAC notes that the measure establishes a maximum annual award for the scholarship of \$13,000, and does not specify how funding would continue if the awards to students exceeds the available funds.