

**FISCAL IMPACT OF PROPOSED LEGISLATION**

Measure: SB 577 - A

80th Oregon Legislative Assembly – 2019 Regular Session  
Legislative Fiscal Office***Only Impacts on Original or Engrossed  
Versions are Considered Official***

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**Measure Description:**

Changes the crime of intimidation to “bias crime” and adds “gender identity” to the list of traits of the victim when that trait is a motivating factor of the crime; directs the Criminal Justice Commission to develop and implement a standardized method for district attorneys to record and report data regarding bias crimes to the Commission.

**Government Unit(s) Affected:**

Criminal Justice Commission (CJC), Oregon Judicial Department (OJD), Department of Public Safety Standards and Training (DPSST), Oregon State Police (OSP), Public Defense Services Commission (PDSC), District Attorneys and their Deputies (DAs), Cities, Counties, Department of Justice (DOJ)

**Summary of Fiscal Impact:**

Costs related to the measure may require budgetary action - See analysis.

**Analysis:**

This bill does three things: (1) makes changes to the crime of intimidation, including renaming it “bias crime,” and defines a “bias incident”; (2) directs new data collection on bias crimes and bias incidents by the Oregon State Police, district attorneys and the Department of Justice to be reported to and analyzed by the Criminal Justice Commission; and (3) creates a Hate Crimes Response Coordinator in the Department of Justice to receive and respond to calls regarding hate crimes. The bill takes effect upon passage.

**Department of Justice**

This bill requires the Department of Justice (DOJ) to establish a staffed hate crimes telephone hotline dedicated to assisting the victims of bias crimes and bias incidents. The bill creates the new position of Hate Crimes Response Coordinator to respond to reports of bias crimes and bias incidents, assist victims of bias crimes and bias incidents, coordinate with local non-profits to assist victims, develop training, and collect and report data quarterly to the Criminal Justice Commission.

The volume of calls and requests for assistance that may be expected for this new statewide hotline is unknown. The DOJ’s Criminal Justice Division received about 80 calls in 2018 regarding hate crimes. The City of Eugene, which has a hotline similar to the one outlined in the bill, received 70 reports of hate crimes in 2018. The bill requires law enforcement to refer victims to the hotline if local victims’ assistance programs do not exist.

DOJ anticipates hiring two permanent full-time positions: a PEM F (0.88 FTE) and an Administrative Specialist 1 (0.88 FTE) to meet the requirements of this bill. Total costs to DOJ would be \$424,288 General Fund for the 2019-21 biennium, and \$474,129 General Fund for the 2021-23 biennium. DOJ also anticipates some information technology costs, but those are absorbable by the department.

A blank General Fund appropriation to the Department of Justice is included in the bill for distribution to district attorneys to cover their costs under this bill. The Department of Justice can absorb the cost of allocating those funds.

### District Attorneys

The bill directs district attorneys to collect data on their handling of bias crimes. For the 2019-21 biennium, only three district attorney offices will collect data. Multnomah County will be part of the initial group; the other two offices are yet to be identified. All district attorney offices will begin collecting data by July 1, 2021. Data collected will include cases issued by the district attorney, cases declined for prosecution, charges indicted, sentencing enhancements requested, sentences imposed, charges to which a defendant enters a plea of guilty or no contest, and trial outcomes.

District attorney offices do not collect this data for any other crime. The Criminal Justice Commission will collaborate with district attorney offices to develop the data set and a standardized method for data recording and quarterly reporting.

The Multnomah County District Attorney's Office anticipates needing one legal assistant (0.50 FTE) to handle the data collection and reporting. Until the other two district attorney offices are identified, additional costs for those offices are indeterminate. Similarly, costs for the remaining 33 district attorney offices to collect and report this data in the 2021-23 biennium are indeterminate. The bill includes a blank General Fund appropriation for the 2019-21 biennium to the Department of Justice to distribute to the three pilot district attorneys for the purposes of implementing the provisions of this bill.

### Oregon State Police

This bill requires the Uniform Crime Reporting section of Oregon State Police to provide the Criminal Justice Commission with crime reports that are currently published on a quarterly basis. The software that is used to compile these reports will need to be upgraded to meet the new definitions for bias crimes. The software update is estimated to cost OSP approximately \$9,900. The cost to share data with the Criminal Justice Commission and to upgrade software can be absorbed within current resources. This bill will have a minimal fiscal impact to OSP.

### Criminal Justice Commission

This bill requires the Criminal Justice Commission (CJC) to collect, analyze and report on data regarding bias crimes and bias incidents received from the Oregon State Police, district attorneys and the Department of Justice. CJC is directed to develop and implement a standardized method for these entities to record and report data; analyze the data; identify gaps or weaknesses in the investigation, presentation, prosecution and sanctioning of crimes motivated by bias; and, beginning no later than July 1, 2020, report at least annually to the Legislative Assembly, the Attorney General, the Oregon District Attorneys Association, the Oregon State Police, and the Department of Public Safety Standards and Training. An additional report is due to the Legislature by July 1, 2021 on the data received from the initial three district attorneys' offices.

The Commission anticipates needing a permanent full-time Research Analyst 4 (1.00 FTE) to develop the appropriate data sets, the methodologies for reporting and analyzing data, and the annual reports. The Commission envisions the necessity of significant initial outreach efforts to ensure that the data set is complete and comprehensive. While a permanent, full-time position may be necessary initially, LFO recommends reducing the position to half-time once systems are in place for quarterly reporting.

Costs for the Criminal Justice Commission to implement this bill with one full-time position (1.00 FTE) would be \$235,476 General Fund for the 2019-21 biennium, and \$246,808 General Fund for the 2021-23 biennium.

### Department of Public Safety Standards and Training, Public Defenders, Cities

This bill will have a minimal fiscal impact on the Department of Public Safety Standards and Training, Public Defenders and Cities.

This bill has a fiscal impact to the Department of Justice, the District Attorneys and the Criminal Justice Commission. This bill should be referred to the Joint Committee on Ways and Means for budget and position authority.