

**FISCAL IMPACT OF PROPOSED LEGISLATION**

80th Oregon Legislative Assembly – 2020 Regular Session  
Legislative Fiscal Office

**Measure: HB 4126**

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

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**Measure Description:**

Increases penalties for crime of riot if, during commission of riot, person conceals person's face with intent to facilitate commission of riot.

**Government Unit(s) Affected:**

District Attorneys and their Deputies (DAs), Oregon Judicial Department (OJD), Public Defense Services Commission (PDSC), Department of Justice (DOJ), Department of Corrections (DOC), Counties

**Summary of Fiscal Impact:**

Costs related to the measure are anticipated to be minimal - See explanatory analysis.

**Analysis:**

HB 4126 adds language to the crime of riot (ORS 166.015) to include a provision for when the person partially or fully conceals the person's face with the intent to facilitate commission of the crime. The bill also adds an aggravating factor under ORS 137.090 for when the person partially or fully conceals their face during commission of the crime, with intent to avoid arrest or facilitate the commission of the crime.

The Department of Corrections (DOC) is responsible to house and manage the population of felony offenders with prison sentences exceeding one year. Felony probation, local control offenders and designated drug-related misdemeanors are overseen by Community Corrections (counties) and funded by the Legislature through DOC. All other misdemeanor sentences are managed fiscally at the local level and do not have a financial impact on DOC.

The Criminal Justice Commission (CJC) estimates an additional 2 convictions per year for ORS 166.015. The sentencing trends are assumed to be 21% sentenced to prison (average sentence length of 15.5 months), 12% sentenced to local control (average sentence length of 2.3 months), and 67% sentenced to probation (average sentence length of 36 months).

CJC estimates the 2019-21 impact to be 24 prison bed days, 6 Post-Prison Supervision days, 84 probation days, and 5 Local Control bed days. It is not anticipated that this bill would require additional staffing to manage the increased caseload.

For the 2019-21 biennium, HB 4126 is anticipated to have a fiscal impact of \$1,673 General Fund, with an increase to \$24,944 General Fund for the 2021-23 biennium. The Special Payments reported in the table above represent amounts DOC would distribute to the counties for the costs of probation, post-prison supervision, and local control. The Special Payments estimates include the costs that Opt Out (Douglas and Linn) counties spend in Personal Services and Services and Supplies. The actual costs would depend on the number of felony convictions and the length of the sentences multiplied by the DOC's cost rates.

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 2023-25

biennium to be \$53,803 General Fund, \$54,077 General Fund for the 2025-27 biennium, and \$54,077 General Fund for 2027-29.

This measure is anticipated to result in additional misdemeanor and felony cases in circuit court; however, the fiscal impact of those cases is anticipated to have a minimal impact to the Judicial Department, the Public Services Defense Commission, District Attorney's and their Deputies, the Department of Justice, and local governments.