

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 817 - 6

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Eliminates fees, court costs and fines associated with juvenile delinquency matters.

Government Unit(s) Affected:

Department of Human Services (DHS), Oregon Health Authority (OHA), Oregon Judicial Department (OJD), Oregon Youth Authority (OYA), District Attorneys and their Deputies (DAs), Department of Justice (DOJ), Counties, Public Defense Services Commission (PDSC)

Summary of Fiscal Impact:

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

Summary of Expenditure Impact:

Agency-Fund Type	2021-23 Biennium	2023-25 Biennium
Public Defense Services Commission -General Fund		
Personal Services	\$729,200	\$794,962
Services and Supplies	\$2,053,403	\$2,314,341
Total Funds	\$2,782,603	\$3,109,303
Positions	2	2
FTE	1.5	2

Agency-Fund Type	2021-23 Biennium	2023-25 Biennium
Oregon Youth Authority-General Fund	\$801,378	\$1,068,504
Total Funds	\$801,378	\$1,068,504
Positions	0	0
FTE	0	0

Analysis:

Senate Bill 817 with the -6 amendment eliminates fines, fees, and court costs associated with juvenile delinquency matters, and provides for appointment of counsel at state expense in all juvenile delinquency matters. Additionally, this measure makes certain court records available at no cost to parties. The measure applies these changes proactively and retroactively, which would serve to waive offenders' outstanding balances, including accrued interest and fees. The measure does not create a right of reimbursement to youth or families for fines and fees they have already paid prior to the operative date of this measure. The measure has an effective date of the 91st day after the Legislature adjourns sine die; however, there are specific sections, including the repeal of specified parental support statutes, that become operative on January 1, 2022.

The Public Defense Services Commission (PDSC) anticipates a fiscal impact as a result of this measure due to the agency's role representing juvenile defendants. PDSC anticipates that lifting financial eligibility requirements will

result in an increase in the appointment of counsel. In addition, it is anticipated that more youth will request counsel for formal accountability agreements under this measure and that parents of youth who are ordered to engage in will also be eligible for court-appointed counsel at PDSC expense. To accommodate this increased workload and costs, PDSC believes it will need to contract for additional juvenile trial level positions.

The measure also removes all financial eligibility requirements for juveniles and their parents or guardians for court-appointed counsel in appeals from juvenile delinquency proceedings. PDSC anticipates an increase in appointment of counsel for these cases and believes it would require two Senior Deputy Defenders (2.00 FTE) in the appellate division for the increased caseload based on one appellate attorney handling approximately 25 appeals per year. PDSC estimates a total fiscal impact of \$2,782,603 General Fund in the 2021-23 biennium and a fiscal impact of \$3,109,303 General Fund in the 2023-25 biennium. Additional analysis is warranted regarding the estimated increase in caseload and costs before final budgetary decisions are made.

Under current law, the Oregon Youth Authority (OYA) collects fines and fees that this measure eliminates, resulting in lost revenue to the agency. If this measure were to take effect, OYA anticipates it would need \$801,378 General Fund to replace lost revenue for 18 months of the 2021-23 biennium; this amount would grow to \$1,068,504 in the 2023-25 biennium. Additional analysis of the revenue impact of the measure on OYA and other agencies would be needed to make appropriate budget adjustments.

The Department of Justice (DOJ) should experience savings as a result of the measure. DOJ's Child Support Division provides collection services for OYA; this measure would remove a caseload of approximately 2,130 cases.

The Oregon Judicial Department anticipates a minimal fiscal impact and believe that any additional workload resulting from this measure could be absorbed with existing resources.

The District Attorneys and their Deputies, Counties, and the Department of Human Services do not anticipate a fiscal impact from this measure.

This measure has a subsequent referral to the Joint Committee on Ways and Means for further consideration of its budgetary impact on the State's General Fund.