

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: SB 835 - 3**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:

Modifies procedures for early medical release of adult in custody from prison.

Government Unit(s) Affected:

Public Defense Services Commission (PDSC), Board of Parole and Post-Prison Supervision (BPPPS), Criminal Justice Commission (CJC), Department of Corrections (DOC), Oregon Health Authority (OHA), District Attorneys and their Deputies (DAs)

Summary of Fiscal Impact:

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

Analysis:

Senate Bill 835 with the -3 amendment modifies the process and requirements for early release of adults in custody (AIC) from prison if they have demonstrated conduct of reformation and have certain medical issues. The measure creates the Medical Release Advisory Committee within the Board of Parole and Post-Prison Supervision (BPPPS) to provide recommendations for release and hear cases regarding early release. The bill specifies that the Department of Corrections (DOC) must help facilitate this early release application process. The measure is effective upon passage.

BPPPS estimates a fiscal impact of \$13,029,224 General Fund per biennium. While the number of applicants and reapplicants is hard to predict, BPPPS estimates 600 per year. BPPPS believes this volume of work would require 13 new full-time positions (13.00 FTE). The estimated cost for positions may be able to be reduced because it is unlikely the agency could hire these positions by July 1st, 2021. The agency's fiscal impact estimate includes costs for committee consulting, potential Department of Justice billable hours, consults and appeals, and additional related needs. Additional analysis will be needed to better determine the cost to the agency.

DOC anticipates a fiscal impact of \$302,829 General Fund in 2021-23. That impact will increase to \$1,024,050 General Fund in the 2023-25 biennium. DOC believes it will need to hire three additional positions for six months of the 2021-23 biennium (0.75 FTE): one physician, one registered nurse, and one Program Analyst 2 to coordinate the program and comply with the tracking and reporting requirements in the measure.

The Public Defense Services Commission (PDSC) anticipates a fiscal impact from this measure resulting from their role in providing public defense counsel for qualifying individuals in their hearing before BPPPS and any adverse appeal of the Board's decision after having their application heard by the Advisory Committee. This impact is estimated to be \$730,000 General Fund in 2021-23 growing to \$1,460,000 General Fund in the 2023-25 biennium.

The Criminal Justice Commission, the Oregon Health Authority, and the District Attorneys and their Deputies do not anticipate a fiscal impact from this measure.

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