

FISCAL IMPACT OF PROPOSED LEGISLATION

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

Measure: HB 2928 - A15

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

Prepared by: Libby Chamberlin
Reviewed by: Doug Wilson, John Borden, Julie Neburka, Laurie Byerly
Date: June 16, 2021

Measure Description:

Regulates use of chemical incapacitants, kinetic impact projectiles, sound devices and strobe lights by law enforcement agencies.

Government Unit(s) Affected:

Department of Corrections (DOC), Counties, Oregon State Police (OSP), Cities, Oregon Judicial Department (OJD), Higher Education Coordinating Commission (HECC), Department of Public Safety Standards and Training (DPSST), Public Universities, Public Defense Services Commission (PDSC), District Attorneys and their Deputies

Summary of Fiscal Impact:

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

Analysis:

House Bill 2928 regulates and limits the use of chemical incapacitants, kinetic impact projectiles, strobe lights, and sound devices by law enforcement for the purpose of crowd control. The measure requires that certain accommodations and instructions be made by law enforcement when deploying specified devices. Further, the measure prohibits law enforcement from acting in concert with another agency or proxy law enforcement to engage in conduct barred by statute or court order and establishes that an intentional violation of this provision constitutes official misconduct in the second degree. The measure takes effect upon passage.

The -A15 clarifies provisions that provide exceptions for prohibiting the use of a chemical incapacitant for crowd control by law enforcement.

Oregon State Police

OSP anticipates that it will need to add one Sergeant position (1.00 FTE) to handle the training and coordination of the new crowd control guidelines. The measure specifies that whenever possible law enforcement must make announcements for the purpose of crowd control. As a result, the agency believes it will need to purchase three public announcement systems at a total cost of \$150,000. The total estimated cost for this measure for OSP is \$605,781 General Fund in the 2021-23 biennium, dropping to \$371,781 General Fund in the 2023-25 biennium as some equipment costs and capital outlay are a one-time cost. LFO notes that it is unlikely that the Sergeant position will be hired on July 1, 2021, so the total amount needed for personal services costs in 2021-23 may be able to be reduced.

Oregon Judicial Department

OJD anticipates a minimal fiscal impact as it may result in an increase in persons charged with the crime of official misconduct in the second degree and additional cases filed in circuit court.

Other Agencies

Cities, counties, and public universities report an indeterminate fiscal impact from this measure. In addition, it does not have a fiscal impact on Department of Public Safety Standards and Training, the Higher Education Coordinating Commission, the Public Defense Services Commission, District Attorneys and their Deputies, or the Department of Corrections.