

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2002 - A

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office*Only Impacts on Original or Engrossed
Versions are Considered Official*Prepared by: Libby Chamberlin
Reviewed by: Laurie Byerly, Tim Walker, John Borden, Julie Neburka, Paul Siebert
Date: May 28, 2021**Measure Description:**

Converts mandatory minimum sentences for specified felonies other than murder to presumptive sentences.

Government Unit(s) Affected:

Counties, Board of Parole and Post-Prison Supervision (BPPPS), Criminal Justice Commission (CJC), Department of Corrections (DOC), Department of Justice (DOJ), District Attorneys and their Deputies (DAs), Oregon Judicial Department (OJD), Department of Public Safety Standards and Training (DPSST), Department of Administrative Services (DAS), Oregon State Police (OSP)

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
DOC - General Fund		
Special Payments	\$10,000,000	\$10,000,000
Total Funds	\$10,000,000	\$10,000,000

Agency - Fund Type	2021-23 Biennium	2023-25 Biennium
CJC - General Fund		
Personal Services	\$641,305	\$705,436
Services and Supplies	\$253,721	\$55,870
Special Payments - New Funds	\$12,000,000	
Total Funds	\$12,895,026	\$761,306

Positions	3	3
FTE	3.00	3.00

Agency - Fund Type	2021-23 Biennium	2023-25 Biennium
DAS - General Fund		
Special Payments	\$1,500,000	
Total Funds	\$1,500,000	

Analysis:

House Bill 2002 is an omnibus measure related to sentencing, corrections, and parole and probation policies. The measure directs the Oregon Criminal Justice Commission (CJC) to establish a \$4,000,000 General Fund program to award restorative justice grants and provides for an \$8,000,000 General Fund deposit into the Justice Reinvestment Account. Specifies that 20% of Justice Reinvestment Program grant awards must be distributed to the Northwest Health Foundation Fund II to provide subgrants to culturally specific organizations and culturally

responsive service providers and 15% be distributed to organizations that provide services to victims of crime, with priority given to culturally specific organizations. CJC is required to conduct evaluations of the subgrantees receiving funds from the Northwest Health Foundation Fund II.

In addition, the measure creates guidance and requirements for actions performed by peace and enforcement officers, and parole and probation officers. These include requirements regarding actions of peace and enforcement officers while performing a traffic stop, prohibiting the initiation of traffic violation stops for unlawful use or failure to use lights, and establishing a mail-in citation process for these violations instead. The measure repeals the monthly fee paid by persons on supervised release and prohibits a parole and probation officer from visiting persons on supervision in certain locations. To reimburse counties for that lost revenue, the measure contains a blank General Fund appropriation for the Department of Corrections for distribution to counties. Lastly, the measure creates a prohibition on admitting a person in need of urgent medical care into a custody facility.

Finally, the Oregon Department of Administrative Services would receive a General Fund appropriation of \$1,500,000 beginning July 1, 2021 for redistribution to the Northwest Health Foundation Fund II for the Reimagine Safety Fund.

Criminal Justice Commission

The Criminal Justice Commission is required to establish a program to award restorative justice grants and work with the Racial Justice Council to develop a methodology for reviewing and approving grant applications. To fund the new grant program, CJC would receive a \$4,000,000 General Fund appropriation. In addition, the bill specifies that \$8 million General Fund will be deposited into the Justice Reinvestment Account. There is also a \$200,000 General Fund appropriation to CJC to conduct evaluations of subgrantees receiving funds from the Northwest Health Foundation Fund II. To administer the grant program and accommodate increased workload, CJC anticipates requiring two Operations and Policy Analyst 3 (2.00 FTE) at a cost of \$456,790 General Fund and would reclassify a current Program Analyst 3 position to a Program Analyst 4 (1.00 FTE) at a cost of \$9,841 General Fund.

The measure also requires CJC to work with the Department of Corrections (DOC) to collect data concerning supervision conditions for persons on probation or post-prison supervision and make this data available on the commission website. To fulfill the data collection and reporting requirements, CJC anticipates needing the support of one additional Research Analyst 4 (1.00 FTE) at a cost of \$228,395 General Fund. The agency estimate assumes all of the new positions would begin on July 1, 2021 but given that CJC is not likely to be able to hire the positions by the first day of the biennium, the actual fiscal impact may be slightly lower than reported.

Department of Corrections

This measure eliminates monthly supervision fees that the Department of Corrections and county community corrections agencies have historically collected from individuals on post-prison supervision; DOC estimates that lost revenue to be \$10,000,000, which would need to be replaced by a like amount of General Fund for distribution to counties. For other provisions in this measure including additional training required for parole officers and for data collection on the supervision population, DOC anticipates a minimal fiscal impact.

Oregon Judicial Department

Due to the changes in statute in this measure, the Oregon Judicial Department (OJD) anticipates a fiscal impact from this measure but the cost is indeterminate. For example, OJD believes it may incur costs from the change in conditions of probation which may result in longer sentencing hearings in some cases. OJD believes that changes in the Uniform Criminal Judgement could be absorbed within existing resources but if programming changes are required the agency may need to return to the Legislature for funds to cover these costs.

Department of Administrative Services

The measure provides for a \$1,500,000 General Fund appropriation for distribution to the Northwest Health Foundation Fund II for deposit into the Reimagine Safety Fund which may be used for a number of items including researching ways to ensure equitable outcomes in public safety and providing a community-driven process to produce recommendations for public safety reform. Other than the amount of the transfer above, the Department of Administrative Services anticipates a minimal fiscal impact from this measure.

Counties

The counties anticipate a fiscal impact from this measure stemming from the Community Corrections and Justice Reinvestment grants, but the cost is indeterminate at this time.

Other Agencies

The Department of Justice, the Oregon State Police, and the District Attorneys and their Deputies report a minimal fiscal impact from this measure. The Department of Public Safety Standards and Training and the Board of Parole and Post-Prison Supervision do not report a fiscal impact from this measure.

This measure warrants subsequent referral to the Joint Committee on Ways and Means due to its impact on the state's General Fund.