

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: SB 817 - A<REVISED>**

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: Gregory Jolivet, John Borden, Laurie Byerly, Tom MacDonald, Julie Neburka  
Date: June 16, 2021

**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
Oregon Youth Authority-General Fund	\$801,378	\$1,068,504
<b>Total Funds</b>	<b>\$801,378</b>	<b>\$1,068,504</b>
Positions	0	0
FTE	0	0

**Analysis:**

**<REVISED with new information from the Public Defense Service Commission and the Department of Justice>**

Senate Bill 817 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 but the cost is indeterminate at this time. The agency believes that appointment of counsel at the trial level may have a fiscal impact, although not all cases would be affected and PDSC does not anticipate that caseloads will increase immediately in the new biennium. Similarly, at the appellate level, PDSC assumes some fiscal impact but that not all cases would be affected as the agency cannot predict how many additional cases will be appealed under this measure or when those costs will accumulate.

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 in the 2021-23 biennium will be needed to make appropriate budget adjustments in the 2023-25 biennium.

Because DOJ's Division of Child Support will have to review all of the existing cases to determine what actions are necessary based on each family's situation, DOJ does not believe that there will be cost savings in the 2021-23 biennium. DOJ predicts future cost savings of \$150,848 (\$51,288 General Funds and \$99,560 Other Funds) and an additional \$20,000 (\$6,800 General Funds and \$13,200 Federal Funds) due to the indirect rate for the loss for one CSCM position.

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.