

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 4075 - 2

81st Oregon Legislative Assembly – 2022 Regular Session
Legislative Fiscal Office

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

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Measure Description:

Modifies procedures for requesting and ordering restitution in criminal cases.

Government Unit(s) Affected:

Counties, Department of Justice (DOJ), District Attorneys and their Deputies (DAs), Oregon Judicial Department (OJD), Public Defense Services Commission (PDSC)

Summary of Fiscal Impact:

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

Analysis:

This measure modifies the procedures for district attorneys to request and order restitution in criminal cases and defines certain awards of restitution as Level 1 priority of payment in criminal judgements in circuit courts and local courts and restitution as a Level II obligation. This measure takes effect on January 1, 2023.

The Oregon Judicial Department (OJD), the Public Defense Services Commission (PDSC), Department of Justice, District Attorneys, Department of Public Safety Standards and Training, and counties will have a minimal fiscal impact.

While the Legislative Revenue Office is in the process of preparing a Revenue Impact Statement for this measure, OJD notes that the measure may have a revenue impact due to re-prioritizing restitution over fines and fees

OJD estimates a General and Other Funds revenue loss of \$216,687 in the 2021-23 biennium and \$1.4 million in the 2023-25 biennium. The amount of the actual impact will depend on the amount of restitution imposed which can vary from year to year, payment trends, and the number of fines and fees imposed on restitution judgments.

Of the total revenue loss, OJD estimates a reduction of \$123,313 in the 2021-23 biennium and \$870,795 in the 2023-25 biennium to the Criminal Fine Account which would reduce the total amount of funding available to allocate from this account to primarily public safety agencies. The agency estimates a reduction of \$59,091 in the 2021-23 biennium and \$369,533 in the 2023-25 biennium to the General Fund and a reduction of \$34,283 in the 2021-23 biennium and \$126,177 in the 2023-25 biennium to the Public Defense Services Commission (PDSC) Application Contribution Program that is used to determine eligibility for state indigent defense services which could potentially result in a General Fund backfill of revenue, as the program is used to fund OJD circuit court verification positions and PDSC’s court mandated program.

This measure warrants a subsequent referral to the Joint Committee on Ways and Means due to its budgetary impact primarily to the reduction of allocatable funds, and the potential need to backfill revenue loss with General Fund.