

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 4008 - A11

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

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

Prepared by: Emily Coates
Reviewed by: John Terpening, John Borden
Date: 2/28/2022

Measure Description:

Allows the Commission on Statewide Law Enforcement Standards of Conduct and Discipline to hire an executive director and support staff. Regulates law enforcement agencies use of crowd control devices.

Government Unit(s) Affected:

Department of Public Safety Standards and Training (DPSST), Department of Justice (DOJ), Oregon State Police (OSP)

Summary of Fiscal Impact: See explanatory analysis.

Analysis:

The Commission on Statewide Law Enforcement Standards of Conduct and Discipline was established in HB 2930 (2021). In establishing the Commission, HB 2930 did not specify an agency responsible to provide staff support for the Commission. The current measure would allow the Commission to hire an executive director and administrative support staff or allows the Commission to enter into an interagency or intergovernmental agreement to have another state agency or governmental agency provide support staff.

This measure regulates law enforcements use of certain crowd control devices such as tear gas, handheld chemical incapacitants or kinetic impact projectiles and discharge of kinetic impact projectile. Law enforcement agencies shall notify emergency rooms within the vicinity of the type of handheld chemical incapacitants, tear gas or kinetic impact projectiles used. Law enforcement agencies shall adopt policies requiring cleanup of visible debris used in crowd control management within a reasonable time of use and are permitted to adopt more stringent policies than required in this measure. This measure declares an emergency, effective on passage.

Oregon State Police (OSP) estimates the fiscal impact of this measure to be minimal. The agency reports this measure would require OSP to discontinue the use of current crowd control munitions that target more than one individual and purchase new munitions that are directed only at specific individuals. OSP reports if unanticipated costs cannot be absorbed within the existing resources, the agency will seek additional resources through the Emergency Board or Legislative Session.

There is no fiscal impact to the Department of Public Safety Standards and Training or the Department of Justice.

The Legislative Fiscal Office notes that this measure fails to specify the agency responsible for staffing and leaves the possibility of staffing or entering into an intergovernmental agreement uncertain. The Commission as an independent entity created in statute, does not have a revenue source or expenditure authority to hire positions.

The Department of Justice (DOJ) has submitted a budget request for \$621,200 General Fund and two position (1.16 FTE) to the Joint Committee on Ways and Means, under the presumption that DOJ will provide staff support for the Commission. That request is currently under consideration by the Joint Committee on Ways and Means.