

**SB 1584 B BUDGET REPORT and MEASURE SUMMARY**

**Carrier:** Sen. Thatcher

**Joint Committee On Ways and Means**

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**Action Date:** 02/24/22

**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

**Senate Vote**

**Yeas:** 11 - Anderson, Frederick, Girod, Golden, Gorsek, Hansell, Knopp, Lieber, Steiner Hayward, Taylor, Thomsen

**House Vote**

**Yeas:** 11 - Breese-Iverson, Bynum, Evans, Gomberg, McLain, Nosse, Reschke, Sanchez, Smith G, Stark, Valderrama

**Prepared By:** Wendy Gibson, Department of Administrative Services

**Reviewed By:** John Borden, Legislative Fiscal Office

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**Department of Justice**

**2021-23**

**Department of Administrative Services**

**2021-23**

**Budget Summary**

|  | 2021-23                       |   | 2022                     |           | Committee Change from |           |        |
|--|-------------------------------|---|--------------------------|-----------|-----------------------|-----------|--------|
|  | Legislatively Approved Budget |   | Committee Recommendation |           | 2021-23 Leg. Approved |           |        |
|  |                               |   |                          |           | \$ Change             | % Change  |        |
| <b>Department of Justice</b>                 |                               |   |                          |           |                       |           |        |
| Other Funds Limited                          | \$                            | - | \$                       | 797,076   | \$                    | 797,076   | 100.0% |
| <b>Department of Administrative Services</b> |                               |   |                          |           |                       |           |        |
| General Fund                                 | \$                            | - | \$                       | 5,000,000 | \$                    | 5,000,000 | 100.0% |

**Position Summary**

**Department of Justice**

|                                      |      |      |      |
|--------------------------------------|------|------|------|
| Authorized Positions                 | 0    | 5    | 5    |
| Full-time Equivalent (FTE) positions | 0.00 | 2.25 | 2.25 |

**Summary of Revenue Changes**

Senate Bill 1584 appropriates General Fund to two agencies for the purposes of this bill. The Department of Administrative Services (DAS) is appropriated \$5,000,000 General Fund for the payment of legal costs and court-awarded compensation. The Department of Justice (DOJ) Other Funds expenditure limitation is increased by \$797,076. The Other Funds revenue is generated by billing DAS at the 2021-23 Attorney General rate for services related to wrongful conviction claims.

**Summary of Public Safety Subcommittee Action**

SB 1584 creates a procedure for filing a petition for compensation for wrongful conviction and establishes criteria to file a claim against the State of Oregon to receive compensation at a statutorily set rate for every year spent in prison for wrongful conviction. To prevail under this new procedure, the person must prove by a preponderance of the evidence, that they did not commit the crime.

If the petitioner proves the elements of wrongful conviction, the measure establishes the compensation rate for awarding damages as (1) \$65,000 for each year of imprisonment, and (2) \$25,000 for the greater of (a) each year served on parole or post-prison supervision, or (b) each additional year the petitioner was required to be registered as a sex offender. Additionally, the measure specifies other reimbursable costs to the petitioner including reasonable attorney fees; costs incurred in connection with filing the petition; and prior restitution, assessments, and

fees. The petitioner is not entitled to punitive damages or damages for any period of incarceration during which the petitioner was concurrently serving a sentence for a lawful conviction of another crime.

The State Court Administrator is directed to annually evaluate the percentage increase or decrease in the cost of living for the previous calendar year and adjust the compensation rate, as needed.

Payment of the awarded damages is structured as follows:

- Combination of an initial payment not to exceed \$100,000 or 25% of the award, whichever is greater, and the remainder as an annuity not to exceed \$80,000 per year; or
- Lump-sum payment, if determined by the court is in the best interest of the petitioner.

The compensation awards are excluded from gross income and are not subject to taxation nor may compensation awards be offset by expenses incurred by the public body in relation to the petitioner's incarceration.

#### Department of Administrative Services (DAS)

The Subcommittee recommended a \$973,638 appropriation of General Fund to DAS for payment of legal services billed by DOJ utilizing the 2021-23 Attorney General rate. Additionally, the Subcommittee recommended a \$4,026,362 appropriation of General Fund to the Department for payment of court-awarded compensation, reimbursement of reasonable attorney's fees, and other costs associated with wrongful conviction claims.

#### Department of Justice (DOJ)

The Subcommittee recommended an Other Funds expenditure limitation increase of \$797,076 to DOJ and to establish five permanent positions (2.25 FTE). One of the new positions (Senior Assistant Attorney General – 0.21 FTE) will be established within the DOJ Appellate Division to support increased caseloads related to being the State's representative throughout the process of an individual filing a wrongful conviction claim. Four of the new positions (2 Senior Assistant Attorney General – 0.88 FTE; 1 Legal Secretary – 0.58 FTE; and 1 Paralegal – 0.58 FTE) will be established within the DOJ Trial Division to support the new classification of cases and workload related to defending wrongful conviction claims in the circuit court. Revenue to support the new positions will be generated from charges to DAS for legal services based on the 2021-23 Attorney General rate.

**DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION**

Department of Justice and Department of Administrative Services  
 Wendy Gibson - 971-900-9992 and Dustin Ball - 971-720-0987

| DESCRIPTION                                      | GENERAL FUND        | LOTTERY FUNDS | OTHER FUNDS       |             | FEDERAL FUNDS |             | TOTAL ALL FUNDS     | POS      | FTE         |
|--|---------------------|---------------|-------------------|-------------|---------------|-------------|---------------------|----------|-------------|
|  |                     |               | LIMITED           | NONLIMITED  | LIMITED       | NONLIMITED  |                     |          |             |
| <b>SUBCOMMITTEE ADJUSTMENTS</b>                  |                     |               |                   |             |               |             |                     |          |             |
| <b>Department of Justice</b>                     |                     |               |                   |             |               |             |                     |          |             |
| <b>SCR 060 - Trial</b>                           |                     |               |                   |             |               |             |                     |          |             |
| Personal Services                                | \$ -                | \$ -          | \$ 531,886        | \$ -        | \$ -          | \$ -        | \$ 531,886          | 4        | 2.04        |
| Services and Supplies                            | \$ -                | \$ -          | \$ 160,166        | \$ -        | \$ -          | \$ -        | \$ 160,166          |          |             |
| <b>SCR 020 - Appellate</b>                       |                     |               |                   |             |               |             |                     |          |             |
| Personal Services                                | \$ -                | \$ -          | \$ 81,485         | \$ -        | \$ -          | \$ -        | \$ 81,485           | 1        | 0.21        |
| Services and Supplies                            | \$ -                | \$ -          | \$ 23,539         | \$ -        | \$ -          | \$ -        | \$ 23,539           |          |             |
| <b>Department of Administrative Services</b>     |                     |               |                   |             |               |             |                     |          |             |
| <b>SCR 065 – Enterprise Goods &amp; Services</b> |                     |               |                   |             |               |             |                     |          |             |
| Services and Supplies                            | \$ 5,000,000        | \$ -          | \$ -              | \$ -        | \$ -          | \$ -        | \$ 5,000,000        |          |             |
| <b>TOTAL ADJUSTMENTS</b>                         | <b>\$ 5,000,000</b> | <b>\$ -</b>   | <b>\$ 797,076</b> | <b>\$ -</b> | <b>\$ -</b>   | <b>\$ -</b> | <b>\$ 5,797,076</b> | <b>5</b> | <b>2.25</b> |
| <b>SUBCOMMITTEE RECOMMENDATION*</b>              | <b>\$ 5,000,000</b> | <b>\$ -</b>   | <b>\$ 797,076</b> | <b>\$ -</b> | <b>\$ -</b>   | <b>\$ -</b> | <b>\$ 5,797,076</b> | <b>5</b> | <b>2.25</b> |
| % Change from 2021-23 Leg Approved Budget        | 100.0%              | 0.0%          | 100.0%            | 0.0%        | 0.0%          | 0.0%        | 100.0%              | 100.0%   | 100.0%      |

\*Excludes Capital Construction Expenditures