

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 166

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

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Measure Description:

Explicitly guarantees electors right to vote and right to secret ballot. Elevates the crime of harassment against an election worker to a Class C felony. Expands the crime of aggravated harassment.

Government Unit(s) Affected:

Criminal Justice Commission, Department of Justice, Judicial Department, Secretary of State, Cities, Oregon Youth Authority, Counties, Department of Corrections, District Attorneys, Public Defense Services Commission

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

The measure explicitly guarantees electors the right to vote and the right to cast a ballot in a confidential manner. The measure elevates the crime of harassment against an election worker to a Class C felony from a Class A misdemeanor. The measure also expands the crime of aggravated harassment to include when a person knowingly propels saliva, blood, urine, semen, feces, or other dangerous substances at an election worker while acting in the course of official duty or as a result of the election worker’s official duties. The measure is effective January 1, 2024.

Public Services Defense Commission (PDSC)

The fiscal impact to PDSC is indeterminate. The measure elevates in the crime of harassment against election workers to a Class C felony from a Class A misdemeanor and expands the crime of aggravated harassment to include election workers which will result in increased contract costs. PDSC is unable to estimate the impact of the measure at this time, but the measure is anticipated to increase contract costs once actual caseloads are identified.

Department of Corrections (DOC)

The overall fiscal impact for DOC is minimal. DOC reports the fiscal impact of the measure is \$33,779 General Fund for services and supplies and special payments to community corrections for the 2023-25 biennium and \$328,103 General Fund for services and supplies and special payments to community corrections for the 2025-27 biennium.

According to sentencing data on harassment and aggravated harassment charges from 2022 provided by the Criminal Justice Commission (CJC), the Commission anticipates the measure will result in an additional 15 convictions per year, or 30 additional convictions in the 2023-25 biennium. CJC estimates that 35% of new convictions will be sentenced to a DOC facility, with an average sentence length of 13.6 months, 14% of new convictions will be sentenced to community corrections, with an average sentence of 3 months, and 51% of the new convictions will be sentenced to probation, with an average sentence length of 36 months.

DOC assumes a three-month lag between the measures effective date and the date first offenders may be received. Included in the cost estimates in the table above are funds that would be distributed to the community corrections departments of counties for the costs of probation, post-prison supervision, and local control. The

estimated marginal cost per day for a DOC facility is \$24.30 per offender and the estimated cost per day for probation is \$13.83 per offender.

HB 3194 (2013) requires a 10-year estimate of the fiscal impact for measures with an effect on crimes and sentencing. Using the conviction rate assumptions listed above, DOC anticipates the costs for the 2027-29 biennium to be \$445,205 General Fund, \$462,575 General Fund in 2029-31, and \$466,564 General Fund in 2031-33. The Legislative Fiscal Office notes that these cost estimates could vary depending on the actual number of criminal cases, convictions, and length of sentences issued.

There is a minimal fiscal impact for the Oregon Judicial Department.

There is no fiscal impact for District Attorneys, Criminal Justice Commission, Department of Justice, Oregon Youth Authority, Secretary of State, or counties.