

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2323

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:

Provides that culpable mental state applies to each material conduct element unless statutory language or legislative intent plainly indicates otherwise.

Government Unit(s) Affected:

Department of Justice, Criminal Justice Commission, District Attorneys, Judicial Department, Public Defense Services Commission, Oregon Health Authority, Psychiatric Security Review Board

Summary of Fiscal Impact:

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

Analysis:

The measure amends capable mental state criminal laws to require a person to act with a culpable mental state for each material conduct element of an offense unless the statute defining the offense indicates that the culpable mental state applies to a material element that is not a conduct element or a specified inquiry indicates that the culpable mental state applies to a material element that is not a conduct element. The measure is effective on the 91st day after sine die.

Public Defense Services Commission (PDSC)

PDSC reports the fiscal impact of the measure is indeterminate. PDSC notes that the removal of the requirement that the prosecution proves a mental state to all material elements of a criminal offense represents a lowering of the burden of proof, which may result in more convictions for more serious offenses. This would equate to higher public defense costs in both trial and appellate courts. 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.

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

There is no fiscal impact to the Department of Justice, Oregon Health Authority, Criminal Justice Commission, Psychiatric Security Review Board, or District Attorneys.