

**HB 5012 A BUDGET REPORT and MEASURE SUMMARY**

**Carrier:** Rep. Evans

**Joint Committee On Ways and Means**

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**Action Date:** 05/26/23

**Action:** Do pass with amendments. (Printed A-Eng.)

**House Vote**

**Yeas:** 11 - Breese-Iverson, Evans, Gomberg, Holvey, Lewis, McLain, Pham K, Reschke, Sanchez, Smith G, Valderrama

**Exc:** 1 - Cate

**Senate Vote**

**Yeas:** 9 - Anderson, Campos, Dembrow, Frederick, Hansell, Knopp, President Wagner, Sollman, Steiner

**Exc:** 3 - Findley, Gelser Blouin, Girod

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

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

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**District Attorneys**

**2023-25**

**Budget Summary\***

	2021-23 Legislatively Approved Budget <sup>(1)</sup>	2023-25 Current Service Level	2023-25 Committee Recommendation	Committee Change from 2021-23 Leg. Approved	
				\$ Change	% Change
General Fund	\$ 15,155,109	\$ 15,565,287	\$ 16,395,287	\$ 1,240,178	8.2%
Total	\$ 15,155,109	\$ 15,565,287	\$ 16,395,287	\$ 1,240,178	8.2%

**Position Summary**

Authorized Positions	36	36	36	0
Full-time Equivalent (FTE) positions	36.00	36.00	36.00	0.00

<sup>(1)</sup> Includes adjustments through January 2023

\* Excludes Capital Construction expenditures

**Summary of Revenue Changes**

The District Attorneys is supported entirely by General Fund. The Public Safety Subcommittee recommended no revenue changes.

**Summary of Public Safety Subcommittee Action**

District Attorneys (“prosecuting attorneys” or DAs) are directed by section 17 of the Oregon Constitution. There are 36 DAs, one for each county, which are independently elected to four-year terms. The state’s 36 DAs are considered state (management service) employees and, by statute, the state is responsible for providing their compensation. There is a two tier compensation plan with 10 DAs in counties with populations exceeding 100,000 receiving higher compensation. Apart from state funding, 24 counties have elected to provide supplemental compensation for their elected DA. The funding of Deputy District Attorneys is a county government responsibility.

The DAs and their deputies prosecute state criminal offenses committed by juveniles and adults. In addition to criminal prosecution, district attorney legal duties include enforcement of child support obligations in non-welfare cases, prosecuting civil forfeitures, presenting evidence at mental health hearings, ruling on public records requests, representing interests in child dependency cases, assisting juvenile courts, and advising and representing county officers as county counsel in civil matters. The DAs and their deputies are also active in local public safety coordinating councils, child abuse prevention teams, and community outreach activities. In cities of a population of more than 300,000, the district attorney is responsible for the prosecution of all city ordinance violations. Upon request of a county officer, the district attorney provides legal advice to the county court and other county officers.

The Public Safety Subcommittee recommended a 2023-25 biennial budget of \$16,395,287 General Fund and 36 positions (36.00 FTE). This represents an 8.2 percent increase from the 2021-23 Legislatively Approved Budget. This budget includes funding for the District Attorneys' salaries, benefits, and other payroll expenses, as well as the State Government Service Charges, which are primarily related to risk management assessments.

The recommended budget includes the following packages:

Package 107, Grand Jury Recordation. This package appropriates \$280,000 General Fund for the cost of grand jury recordation (Senate Bill 505, 2017), which requires county district attorneys to electronically record all grand jury proceedings and to store and maintain copies of the audio recording. The appropriation includes funding for the following:

- Statewide transcription service for district attorney offices - Private vendor(s) by which counties access service - Department of Justice to procure and administer statewide contract(s) at an estimated cost of \$150,000 General Fund.
- Storage, licensing, and archiving of grand jury recordings - Department of Justice to provide segregated hosting, security, backup, maintenance, and customer support, including associated licensing cost at an estimated cost of \$115,000 General Fund.
- Annual training on grand jury recording equipment - Judicial Department to bill the District Attorney on a fiscal year basis for annual training(s) on the recording equipment for up to \$15,000 General Fund.

Package 801, LFO Analyst Adjustments. This package appropriates \$550,000 General Fund, on a one-time basis, to fund the reconciliation of anticipated personal service costs for 2023-25 biennium. The package provides funding for the final reconciliation of Other Payroll Expenses, which becomes necessary due to a variance between an individual district attorney's health benefit plan choice versus the cost estimate in the budget. A portion of the variance may be offset by vacancy and/or other savings. A similar budget adjustment has been funded by the legislature in the last four of the past biennia. The Department of Administrative Services is requested to unschedule \$550,000 General Fund pending the DAs submission of a final reconciliation of personal service costs for the 2023-25 biennium to the Legislative Fiscal Office.

### **Summary of Performance Measure Action**

See attached Legislatively Adopted 2023-25 Key Performance Measures form.

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

District Attorneys  
 Wendy Gibson – 971-900-9992

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2021-23 Legislatively Approved Budget at Jan 2023 *	\$ 15,155,109	\$ -	\$ -	\$ -	\$ -	\$ -	15,155,109	36	36.00
2023-25 Current Service Level (CSL)*	\$ 15,565,287	\$ -	\$ -	\$ -	\$ -	\$ -	15,565,287	36	36.00
<b><u>SUBCOMMITTEE ADJUSTMENTS (from CSL)</u></b>									
<b>SCR 010 - General Program</b>									
Package 107: Grand Jury Recordation Services and Supplies	\$ 280,000	\$ -	\$ -	\$ -	\$ -	\$ -	280,000		
Package 801: LFO Analyst Adjustments									
Personal Services	\$ 550,000	\$ -	\$ -	\$ -	\$ -	\$ -	550,000	0	0.00
<b>TOTAL ADJUSTMENTS</b>	<b>\$ 830,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>830,000</b>	<b>0</b>	<b>0.00</b>
<b>SUBCOMMITTEE RECOMMENDATION *</b>	<b>\$ 16,395,287</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>16,395,287</b>	<b>36</b>	<b>36.00</b>
% Change from 2021-23 Leg Approved Budget	8.2%	0.0%	0.0%	0.0%	0.0%	0.0%	8.2%	0.0%	0.0%
% Change from 2023-25 Current Service Level	5.3%	0.0%	0.0%	0.0%	0.0%	0.0%	5.3%	0.0%	0.0%

\*Excludes Capital Construction Expenditures

# Legislatively Approved 2023 - 2025 Key Performance Measures

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**Agency:** District Attorneys

**Mission Statement:**

The Mission of the Oregon District Attorney is to uphold the United States Constitution and the Constitution and laws of the State of Oregon, to preserve the safety of the public, to protect the rights of crime victims and to pursue justice for all citizens with skill, honor and integrity.

Legislatively Approved KPMs	Metrics	Agency Request	Last Reported Result	Target 2024	Target 2025
1. Child Support Collections - Percentage of current child support collected relative to total child support owed.		Approved	77%	85%	85%
2. Services to Victims - Percentage of adult criminal cases where the named victim(s) are provided "prompt notice" of their rights as crime victims.		Approved	95%	100%	100%
3. Early and Special Resolution Programs - Percentage of District Attorney offices resolving cases through early and special resolution, number of cases resolved.		Approved	92%	95%	95%
4. Implicit Bias Training - Percentage of district attorneys receiving implicit bias training each biennium.		Approved		85%	85%

**LFO Recommendation:**

The Legislative Fiscal Office recommends approval of the District Attorney's 2023-25 Key Performance Measures and targets, including the addition of KPM #4 on Implicit Bias Training.

**SubCommittee Action:**

The Public Safety Subcommittee approved the Legislative Fiscal Office recommendations.