



Legislative Fiscal Office  
 82<sup>nd</sup> Oregon Legislative Assembly  
 2024 Regular Session

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 Date: February 16, 2024

**Bill Title:** Relating to stalking; prescribing an effective date.

**Government Unit(s) Affected:** Counties, Criminal Justice Commission, Department of Corrections, District Attorneys, Judicial Department, Oregon Youth Authority, Cities, Department of Justice, Public Defense Commission

**Summary of Fiscal Impact**

| 2023-25 Biennium           | General Fund     | Lottery Funds | Other Funds | Federal Funds | Total Funds      | Positions | FTE      |
|----------------------------|------------------|---------------|-------------|---------------|------------------|-----------|----------|
| Department of Corrections  | \$ 34,553        | \$ -          | \$ -        | \$ -          | \$ 34,553        | -         | -        |
| <b>Total Fiscal Impact</b> | <b>\$ 34,553</b> | <b>\$ -</b>   | <b>\$ -</b> | <b>\$ -</b>   | <b>\$ 34,553</b> | <b>-</b>  | <b>-</b> |

| 2025-27 Biennium           | General Fund      | Lottery Funds | Other Funds | Federal Funds | Total Funds       | Positions | FTE      |
|----------------------------|-------------------|---------------|-------------|---------------|-------------------|-----------|----------|
| Department of Corrections  | \$ 852,682        | \$ -          | \$ -        | \$ -          | \$ 852,682        | -         | -        |
| <b>Total Fiscal Impact</b> | <b>\$ 852,682</b> | <b>\$ -</b>   | <b>\$ -</b> | <b>\$ -</b>   | <b>\$ 852,682</b> | <b>-</b>  | <b>-</b> |

- The measure has an indeterminate fiscal impact on the Public Defense Commission.
- ORS 173.029 requires the Legislative Fiscal Office (LFO) to estimate the 10-year fiscal impact on state and local government for measures with an effect on crimes and sentencing. An initial estimate of the measure’s potential 10-year fiscal impact on correctional populations and associated costs is included below within the fiscal analysis section.

**Measure Description**

The measure expands the definition of “contact” and, defines “disclose” and “personal identification” under ORS 163.730. The measure increases the crime of stalking from a Class C felony to a Class B felony if a person has a specified prior stalking conviction, a person is the respondent for an active protection order, or a person has at least one specified instance of unwanted contact. Under current law, committing a crime of stalking is a Class A misdemeanor and increases to a Class C felony if a person has a prior stalking conviction or violates a court stalking protective order.

In addition, the measure increases the crime of violating a court’s stalking protective order from a Class C felony to a Class B felony if a person has a specified prior stalking conviction, a person is the respondent for an active protection order, or a person has at least one specified instance of unwanted contact. Under current law, violating a court’s stalking protective order is Class A misdemeanor and increases to a Class C felony if a person has a prior stalking conviction or violates a court stalking protective order.

The provisions in the measure apply to offenses occurring on or after July 1, 2024.

**Fiscal Analysis**Department of Corrections

The fiscal impact to the Department of Corrections (DOC) is minimal in the 2023-25 biennium. DOC reports the estimated cost in the 2023-25 biennium is \$34,553 General Fund and \$852,682 General Fund in the 2025-27 biennium. These costs will increase to an estimated \$1,172,795 General Fund in 2027-29, \$1,271,535 General Fund in 2029-31, and \$1,282,240 General Fund in 2031-33.

The estimated costs result from an anticipated increase in the number of annual felony convictions under the measure and the effect on community corrections and DOC prison populations. To determine the potential impact for these crimes, the Criminal Justice Commission (CJC) utilized sentencing data on stalking convictions from 2023. Based on this data, CJC anticipates the measure will result in an additional 15 felony stalking convictions per year, and an additional 12 felony convictions per year based on data related to violations of a court's stalking protective order. CJC estimates 53% of new felony convictions will be sentenced to a DOC facility, with an average sentence length of 22 months, and 47% of convictions will be sentenced to probation, with an average sentence length of 36 months.

The fiscal impact assumes a three-month lag between the measure's effective date and the date first offenders may be received through the criminal justice system. The cost estimates include funds that would be distributed to county community corrections departments for the costs of probation, post-prison supervision, and local control. As part of the cost calculations, the estimated marginal cost per day for a DOC facility is \$26.05 per offender and the estimated cost per day for probation is \$13.83 per offender.

Should this measure become law, any deviation between the estimates assumed in this fiscal analysis and the actual number of criminal cases, convictions, and length of sentences issued would be incorporated in the Department of Administrative Services corrections population forecast. These forecasts are issued twice per year and used to determine any necessary budget modifications to the agency.

Public Defense Commission

The fiscal impact on the Public Defense Commission (PDC) is indeterminate. While PDC is unable to estimate the impact of the measure at this time, the measure is anticipated to increase costs once actual caseloads are identified.

Counties

The fiscal impact on counties is minimal. DOC distributes General Fund to community corrections for a portion of costs associated with probation, post-prison supervision, and local control. If this measure becomes law, the distribution from DOC for the 2023-25 biennium is estimated to be \$11,405, and \$366,144 for the 2025-27 biennium.

Other entities

The measure has a minimal to Oregon Judicial Department, and District Attorneys. There is no fiscal impact to the Oregon Youth Authority, Department of Justice, Criminal Justice Commission, or cities.

**Relevant Dates**

The measure takes effect on July 1, 2024.