



Legislative Fiscal Office
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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

- Costs related to the measure are anticipated to be minimal for the impacted agencies in 2023-25 and 2025-27, however will increase to approximately \$1 million General Fund for the Department of Corrections in future biennia - see explanatory analysis below.
- ORS 173.029 requires the Legislative Fiscal Office 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 modifies the crime of stalking and the crime of violating a court's stalking protective order. Under current law, committing a crime of stalking or committing the crime of violating a court's stalking protective order 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.

The measure expands the Class C felony for stalking, to include if a person has a specified prior stalking conviction, is the respondent for an active protection order, or has at least one specified instance of unwanted contact. In addition, the measure expands the Class C felony for violating a court's protective order, to include if a person has a specified prior stalking conviction, is the respondent for an active protection order, or has at least one specified instance of unwanted contact.

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

Fiscal Analysis

The fiscal impact of the measure is minimal in the 2023-25 and 2025-27 biennium for all impacted agencies and entities. However, the cost increases to approximately \$1 million General Fund in future biennia for the Department of Corrections.

Department of Corrections

The estimated fiscal impact on the Department of Corrections (DOC) is \$34,553 General Fund in the 2023-25 biennium and \$481,771 General Fund in the 2025-27 biennium. These costs will increase to an estimated \$1,008,413 General Fund in 2027-29, \$1,187,764 General Fund in 2029-31, and \$1,208,331 General Fund in 2031-33.

The estimated costs result from an anticipated increase in annual felony convictions under the measure and its effect on community corrections and DOC prison populations. To determine the potential sentencing, the Criminal Justice Commission (CJC) utilized sentencing data on felony stalking crimes from 2023. Based on that data, CJC anticipates the measure will result in an additional 15 felony convictions per year for ORS 163.732. CJC estimates 50% of new convictions will be sentenced to a DOC facility, with an average sentence length of 17.5 months and 50% of new convictions will be sentenced to probation, with an average sentence length of 31 months.

In addition, CJC utilized sentencing data on violations of a court stalking protective order from 2023. Based on that data, CJC anticipates the measure will result in an additional 12 felony convictions per year for ORS 163.750. CJC estimates 58% of new convictions will be sentenced to a DOC facility, with an average sentence length of 22.6 months and 42% of new convictions will be sentenced to probation, with an average sentence length of 43 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.

DOC distributes General Fund to community corrections for the portion of costs associated with probation, post-prison supervision, and local control. If this measure becomes law, the estimated increased distribution from DOC for the 2023-25 biennium is \$11,405, and \$206,821 for the 2025-27 biennium as the measure's provisions are fully implemented and the anticipated population increases.

Other entities

There is a minimal or no fiscal impact on all other impacted agencies and entities.

Relevant Dates

The measure takes effect on July 1, 2024.