

**2007 Regular Legislative Session**  
**FISCAL ANALYSIS OF PROPOSED LEGISLATION**  
**Prepared by the Oregon Legislative Fiscal Office**

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**MEASURE NUMBER:** HB 2740

**STATUS:** B Engrossed

**SUBJECT:** Creates crime of aggravated vehicular homicide and expands the crime of assault in the first degree.

**GOVERNMENT UNIT AFFECTED:** Department of Corrections, Oregon Judicial Department, Public Defense Services Commission

**PREPARED BY:** Tim Walker

**REVIEWED BY:** Doug Wilson, Robin LaMonte

**DATE:** June 18, 2007

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**2007-2009**

**2009-2011**

**EXPENDITURES:**

See Comments

**EFFECTIVE DATE:** January 1, 2008

**GOVERNOR'S BUDGET:** This bill is not anticipated by the Governor's recommended budget.

**LOCAL GOVERNMENT MANDATE:** This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**COMMENTS:** This bill creates a class A felony of aggravated vehicular homicide; expands first degree assault to include serious physical injury caused by person driving under the influence of intoxicants (DUII) if person has certain record; and sets the presumptive sentence for aggravated vehicular homicide at 240 months. It also specifies that 15, 16 or 17 year old defendants who commit aggravated vehicular homicide are to be tried in adult criminal court and not juvenile court.

The Criminal Justice Commission anticipates that there will be, on average, one offender per year, based on Multnomah County District Attorney's Office data from 2006. It should be noted that the prison bed impact will peak in 2028 at \$403,997 per year. The Oregon Judicial Department (OJD) and the Public Defense Services Commission (PDSC) cannot estimate the incremental costs associated with this bill because of the difficulty of estimating the frequency with which these crime will be cited, the number of jury trials, and the number of appeals. OJD incurs, on average, costs of \$511 per felony case. PDSC estimates costs for defense of a class A felony to be in excess of \$3,000. There is no reliable way to tell how many cases may be brought to trial that would result in one offender per year being sent to prison.