
MEMORANDUM

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To: Public Safety Subcommittee

From: Linda Gilbert, Legislative Fiscal Office
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Date: June 22, 2015

Subject: HB 3468-A – Relating to crime - coercion
Work Session Recommendations

House Bill 3468-A adds threatening to cause physical injury to an animal to induce other person to engage in conduct as a manner of committing the crime of coercion. It also requires courts to impose at least 10 days incarceration for initiating a false report, when the false report involves the deployment of a law enforcement special weapons and tactical (SWAT) team or other similar law enforcement group.

The measure previously had hearings in the House Judiciary Committee on March 18 and April 14, 2015, passing out on a 9-0 vote. It passed the House 59-0-1 on April 27, and Senate Judiciary June 3, on a 5-0 vote. The measure, staff measure summary, and the fiscal impact statement are included in this packet.

The fiscal impact of the bill is \$12,434 General Fund to the Department of Corrections in 2015-17 and \$75,104 in 2017-19. The Department is able to absorb this cost. The measure is anticipated to result in additional felony cases in circuit court; the fiscal impact of those cases, however, is expected to be minimal to the Judicial Department, Public Defense Services Commission, District Attorneys and Their Deputies, and the Department of Justice.

There is no amendment.

HB 3468-A Final Subcommittee Action:

The measure is recommended to be moved to the Joint Committee on Ways and Means.

Final Motion:

Move HB 3468-A to the Joint Committee on Ways and Means with a Do Pass recommendation.

Carriers:

Full _____

House _____

Senate _____

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3468 - A

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: John Terpening
Reviewed by: Steve Bender, John Borden, Linda Gilbert, Ken Rocco
Date: 6-18-2015

Measure Description:

Adds threatening to cause physical injury to animal to induce other person to engage in conduct as manner of committing crime of coercion.

Government Unit(s) Affected:

Department of Corrections, Department of Justice, District Attorneys and their Deputies, Judicial Department, Oregon Criminal Justice Commission, Public Defense Services Commission

Summary of Expenditure Impact:

Agency – Fund Type	2015-2017 Biennium	2017-2019 Biennium
Department of Corrections – General Fund		
Prison Cost	\$10,025	\$51,549
Special Payments	\$2,409	\$23,555
Total Cost	\$12,434	\$75,104

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.

Analysis:

The measure expands the crime of coercion to include threatening to cause physical injury to an animal as a way to induce another person to engage in conduct. Currently, the crime of coercion is a Class C felony. The measure also modifies the crime of initiating a false report to a Class A misdemeanor with 10 days of incarceration when a SWAT team or similar group is deployed as a result of the false report.

The Criminal Justice Commission (CJC) estimates that the expansion of coercion may result in an additional 2 felony convictions per year based on discussions with district attorney's that specialize in domestic violence and animal abuse. The district attorney's reported that the behavior being criminalized in the measure occurs frequently, but is not expected to be charged very frequently. CJC assumes the felony sentencing patterns for this expanded level of coercion will remain similar to the current sentencing patterns of coercion. Using current sentencing patters, CJC estimates about 36% would result in a prison sentence with in a Department of Corrections facility, 11% would be sentenced under local control, and the remainder or 53% would receive a probation sentence with an average length of 21 months.

The Department of Corrections (DOC) estimates a three-month lag between the effective date and the date first offenders may be received. Included in the cost estimates in the above table are funds that would be distributed to the community corrections departments of counties for the costs of probation, post-prison supervision and local control. The estimated length of stay is assumed to be approximately 23 months in a DOC facility at a marginal cost per day of \$23.41. The estimated length of stay in local control is less than 2 months, with an estimated 20.5 months of probation. The cost per day estimate for local control and probation is \$10.72 per offender.

DOC assumes any incarcerated inmates will be distributed into existing housing facilities and there would be no additional costs for staffing or construction. Based on the Corrections Population Forecast

projections from the Office of Economic Analysis, DOC estimates are based on utilizing 76 available emergency beds at the marginal cost per day, beginning December 1, 2015. If emergency bed capacity is exceeded by the cumulative effects of measures passed during the session, DOC may need to establish permanent beds at a cost per day of \$95.42.

HB 3194 requires a 10-year estimate of the fiscal impact for measures with an effect on crimes and sentencing. Using the conviction rate assumptions listed above, DOC anticipates the costs for the 2019-21 biennium to be \$110,069 General Fund, \$116,139 General Fund in 2021-23, and \$116,413 General Fund in 2023-25.

The measure is anticipated to result in additional felony cases in circuit court; however the fiscal impact of those cases is anticipated to have a minimal impact to the Judicial Department, Public Defense Services Commission, District Attorney's and their deputies, and the Department of Justice.

The Legislative Fiscal Office (LFO) notes that these cost estimates could vary depending on the actual number of criminal cases, convictions, and length of sentences issued.

PRELIMINARY STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date:

Action:

Meeting Dates:

Prepared By: Linda Gilbert, Budget Analyst

WHAT THE MEASURE DOES:

Adds threatening to cause physical injury to animal to induce other person to engage in certain conduct as conduct constituting crime of coercion. Requires courts to impose minimum term of incarceration for initiating false report under certain circumstances.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Multiple studies show a direct link between violence against animals and violence against humans, especially within the context of domestic violence where abusers use animals – specifically the threat of harming an animal – as a means of achieving submission. House Bill 3468-A makes it a crime of coercion when one compels or induces another person to engage in certain conduct by instilling fear that they will cause physical injury to an animal.

Several news reports in recent months have reported an increase in people tricking emergency services into dispatching emergency responses based on a false report of an ongoing critical incident. House Bill 3468-A requires courts to impose a term of incarceration of at least 10 days for initiating a false report under ORS 162.375 when the false report involves the deployment of a law enforcement special weapons and tactical (SWAT) team or other similar law enforcement group.

A-Engrossed
House Bill 3468

Ordered by the Senate June 8
Including Senate Amendments dated June 8

Sponsored by Representative WILLIAMSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Adds threatening to cause physical injury to animal to induce other person to engage in conduct as manner of committing crime of coercion.

Requires court to order sentence of at least 10 days' imprisonment when person is convicted of crime of initiating a false report and response to false report involved deployment of SWAT team or similar group.

A BILL FOR AN ACT

Relating to crime; amending ORS 162.375 and 163.275.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 163.275 is amended to read:

163.275. (1) A person commits the crime of coercion when the person compels or induces another person to engage in conduct from which the other person has a legal right to abstain, or to abstain from engaging in conduct in which the other person has a legal right to engage, by means of instilling in the other person a fear that, if the other person refrains from the conduct compelled or induced or engages in conduct contrary to the compulsion or inducement, the actor or another will:

(a) Unlawfully cause physical injury to some person;

(b) Unlawfully cause physical injury to some animal;

[(b)] (c) Unlawfully cause damage to property;

[(c)] (d) Engage in conduct constituting a crime;

[(d)] (e) Falsely accuse some person of a crime or cause criminal charges to be instituted against the person;

[(e)] (f) Cause or continue a strike, boycott or other collective action injurious to some person's business, except that such a threat is not deemed coercive when the act or omission compelled is for the benefit of the group in whose interest the actor purports to act;

[(f)] (g) Testify falsely or provide false information or withhold testimony or information with respect to another's legal claim or defense; or

[(g)] (h) Unlawfully use or abuse the person's position as a public servant by performing some act within or related to official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely.

(2) Coercion is a Class C felony.

SECTION 2. ORS 162.375 is amended to read:

162.375. (1) A person commits the crime of initiating a false report if the person knowingly ini-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 tiates a false alarm or report [*which*] **that** is transmitted to a fire department, law enforcement
2 agency or other organization that deals with emergencies involving danger to life or property.

3 (2) Initiating a false report is a Class A misdemeanor.

4 (3)(a) The court shall include in the sentence of any person convicted under this section a re-
5 quirement that the person repay the costs incurred in responding to and investigating the false re-
6 port.

7 **(b) If the response to the false report involved the deployment of a law enforcement**
8 **special weapons and tactics (SWAT) team or a similar law enforcement group, the court**
9 **shall impose, and may not suspend, a term of incarceration of at least 10 days.**

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