

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: SB 132 - 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: 3-26-2015

**Measure Description:**

Expands crime of assault in third degree to include physical injury to health care provider in hospital.

**Government Unit(s) Affected:**

Cities, Counties, 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	\$40,492	\$130,861
Special Payments	\$50,450	\$189,296
<b>Total Cost</b>	<b>\$90,942</b>	<b>\$320,157</b>

**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 increases the crime of assault in the third degree to include intentionally, knowingly, or recklessly causing physical injury to a health care provider in a hospital while the provider is performing official duties. Assault in the third degree is a Class C felony. Currently, the assault of a health care provider would be charged as assault in the fourth degree, which is a Class A misdemeanor.

In order to estimate the number of assaults to health care providers in hospitals, the Criminal Justice Commission (CJC) utilized data from the Legacy Medical Centers information on violence in the workplace where health care providers are injured. Based on this information, CJC estimates approximately 20 felony convictions per year under the measure. Using the 2013 conviction rates for the crime of assault in the third degree, CJC estimates that 5 per year, or 29%, would result in a prison sentence within a Department of Corrections facility; 2-3 per year, 14%, would be sentenced under local control, and the remainder, or 57%, would receive a probation sentence with an average length of 18 months.

The Department of Corrections (DOC) assumes a three month lag between the measure's effective date and the date first offenders may be received. Included in the cost estimates above table are funds that would be distributed to the community corrections departments of counties for costs of probation, post-prison supervision, and local control. The estimated length of stay is assumed to be approximately 21 months in a DOC facility at a marginal cost per day of \$23.41. The estimated length of stay in local control is approximately 1.5 months, with an estimated 18 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 July 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 (2013) 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 \$405,839 General Fund and \$423,038 General Fund for the 2021-23 biennium.

According to data provided by the Oregon Judicial Department (OJD), in 2013 there were 3,446 cases where the most serious crime charged was Class A misdemeanor assault in the fourth degree. It is assumed that a small number of these cases would now be charged as a Class C felony under the measure; however that number is indeterminate.

The Public Defense Services Commission (PDSC) notes that the cost of representation for a misdemeanor is \$373, while the cost of representation of a Class C felony is \$768. Assuming 50 cases per year would now be charged as a felony, and assuming all defendants would be eligible for court-appointed counsel, the estimated cost to PDSC could be as much as \$39,500 General Fund per biennium from the classification change. Additionally, PDSC notes that in cases where behavioral health of the defendant may be an issue, there could be increased costs related to expert services in preparing a defense.

There is a minimal fiscal impact to the Judicial Department, Department of Justice, and District Attorney's and their Deputies as a result of this measure.

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