

FISCAL IMPACT OF PROPOSED LEGISLATION

79th Oregon Legislative Assembly – 2017 Regular Session
Legislative Fiscal Office

Measure: HB 2721 - A

Only Impacts on Original or Engrossed Versions are Considered Official

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Measure Description:

Increases penalties for assault committed against flagger or highway worker who is performing official duties.

Government Unit(s) Affected:

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

Summary of Expenditure Impact:

Agency -- Fund Type	2017-19 Biennium	2019-21 Biennium
Department of Corrections -- General Fund		
Prison Cost	\$51,593	\$167,594
Special Payments	\$13,661	\$68,270
Total Cost	\$65,254	\$235,864

This measure is anticipated to have a minimal fiscal impact to state agencies. While this measure does not require an appropriation at this time, the cumulative effect of measures with a prison or local control population impact may require further analysis and adjustment to state agency appropriations. The Legislative Fiscal Office provides in the table above and the narrative below the potential costs to state agencies in order to provide more context for the measure’s fiscal impact.

House Bill 2721 expands the crime of assault in the third degree to include physical injury to flaggers and highway workers performing official duties. With passage of this bill, the Criminal Justice Commission (CJC) projects an additional five convictions of assault in the third degree a year. Using the conviction rates for Assault III from 2014 to 2016, CJC estimates about 33% would result in a prison sentence within a Department of Corrections (DOC) facility, 13% would be sentenced to local control, and the remainder or 54% would receive a probation sentence with an average length of 30 months.

DOC assumes a three-month lag between the bill’s effective date and the date first offenders may be received. The Prison Cost amounts above reflect projected additional costs of incarceration within DOC. The Special Payments amounts above represent funds DOC would distribute 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 22 months in a DOC facility at a cost per day of \$110.34. DOC notes that this is the permanent bed rate, as there is no available emergency bed capacity. The estimated length of stay in local control is approximately 3 months, with an estimated 30 months of probation. The cost per day estimate for local control and probation is \$11.69 per offender.

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 2021-23 biennium to be \$307,691 General Fund, \$318,859 General Fund in 2023-25, and \$319,761 General Fund in 2025-27.

Expanding the crime of assault in the third degree to include physical injury to flaggers or highway workers is anticipated to result in additional felony cases in circuit court. However, the fiscal impact of those cases is anticipated to have a minimal fiscal impact to District Attorneys and their Deputies, Judicial Department, Public Defense Services Commission, and Department of Justice.