

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2328

80th Oregon Legislative Assembly – 2019 Regular Session
Legislative Fiscal Office***Only Impacts on Original or Engrossed
Versions are Considered Official***Prepared by: Meg Bushman-Reinhold
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Date: March 21, 2019**Measure Description:**

Modifies culpable mental state for crime of unauthorized use of a vehicle when person takes, operates, exercises control over or otherwise uses vehicle, boat or aircraft without consent of owner.

Government Unit(s) Affected:

Cities, Counties, Department of Corrections (DOC), District Attorneys and their Deputies (DAs), Oregon Judicial Department (OJD), Oregon State Police (OSP), Oregon Youth Authority (OYA), Public Defense Services Commission (PDSC)

Summary of Fiscal Impact:

Costs related to the measure may require budgetary action - See analysis.

Summary of Expenditure Impact:

	2019-21 Biennium	2021-23 Biennium
General Fund		
Department of Corrections		
Personal Services	1,621,624	5,226,555
Services and Supplies	484,381	1,561,179
Special Payments	325,589	1,766,001
Public Defense Services Commission	885,000	885,000
Total General Fund	\$3,316,594	\$9,438,735
Positions	0	0
FTE	0.00	0.00

Analysis:

Under HB 2328, ORS 164.135 (Unauthorized use of a vehicle) is amended to clarify the elements necessary for a prosecutor to prove a violation of the crime. This bill is intended to address Court of Appeals decisions in *State v. Korth*, 269 Or. App 238 (2015) and *State v. Shipe*, 264 Or. App. 391 (2014), which held that evidence presented by the state in two different Unauthorized Use of a Vehicle (UUV) cases was insufficient to prove that the defendant knew that the vehicle was stolen.

Passage of this bill is expected to lead to an increase in the number of felony cases filed in circuit courts, since district attorneys will be able to charge cases they are not able to under current law. The Public Defense Services Commission anticipates about a 20% annual increase in felony UUV case filings with this bill.

Department of Corrections

The Criminal Justice Commission (CJC) anticipates an additional 157 convictions per year for UUV, of which 38% would be sentenced to prison, 18% would be sentenced to local control and 44% would be sentenced to probation. The 2019-21 impact to the Department of Corrections would be 18,270 prison bed days, 5,564 Post-

Prison Supervision days, 20,546 probation days and 873 Local Control bed days. For the 2019-21 biennium, HB 2328 will have a fiscal impact of \$2,431,594 General Fund to the Department of Corrections. The fiscal impact for 2021-23 is estimated to be \$8,553,735 General Fund. The Department of Corrections will make payments to counties for the costs of probation, post-prison supervision, and local control in the amounts of \$325,589 General Fund for 2019-21 and \$1,766,001 General Fund for 2021-23. This bill may require additional staffing to manage the increased caseload in 2021-23 depending on prison forecasts at that time.

Public Defense Services Commission

The Public Defense Services Commission (PDSC) anticipates up to 300 additional Class C felony case filings by prosecutors for the Unauthorized Use of a Vehicle. The estimated fiscal impact to PDSC is \$885,000 per biennium for 2019-21 and 2021-23.

Oregon Judicial Department

If HB 2328 passes and functions as intended, it may lead to an increase in the number of felony cases filed in circuit courts, but could also result in a decrease in the number of cases that go to trial, as defendants could choose to plea if the cases against them are stronger under the new law. It is not clear how many additional cases would be filed in circuit courts as a result of this bill, but any impact will likely be minimal.

District Attorneys

The District Attorneys anticipate being able to absorb the increase in case filings for this crime. There will be a minimal fiscal impact statewide to district attorney offices.

Cities and Counties

Cities and counties have reported an increase in auto thefts following the appellate court cases mentioned above. Local governments may experience some cost savings as a result of this bill, if an increase in successful auto theft prosecutions results in a decrease in the instances of this crime. Such a decrease would reduce call volumes and vehicle recovery costs.

Oregon Youth Authority and Oregon State Police

The Oregon Youth Authority and the Oregon State Police anticipate only a minimal fiscal impact to their agencies if this bill passes.