

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2928 - 4

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

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

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Measure Description:

Regulates use of chemical incapacitants, kinetic impact projectiles and sound devices by law enforcement agencies.

Government Unit(s) Affected:

Oregon Judicial Department (OJD), Oregon State Police (OSP), Department of Public Safety Standards and Training (DPSST), Counties, Cities

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Summary of Expenditure Impact:

See analysis

Analysis:

HB 2928 with the -4 amendment regulates the use of chemical incapacitants, kinetic impact projectiles, strobe lights, and sound devices by law enforcement. It prohibits the use of chemical incapacitants and kinetic impact projectiles for crowd control, unless use of force is otherwise authorized by statute. The measure requires that certain accommodations and instructions be made by law enforcement for certain individuals when deploying specified devices unless those requirements cannot be safely met.

It also creates a private cause of action for people injured by the use of these devices by law enforcement and declares a violation of this act a crime of official misconduct in the first degree. This measure prohibits law enforcement from acting in concert with another agency or proxy law enforcement to engage in conduct barred by statute or court order. Finally, it eliminates immunity from claims under the Oregon Tort Claims Act.

Oregon Judicial Department

OJD anticipates a minimal fiscal impact. The measure adds to the crime of official misconduct in the second degree, there may be an increase in persons charged with this crime, and additional cases filed in circuit court. OJD notes that the average cost per misdemeanor case filed is \$584. There may also be an increase in cases due to the change in Section 4 which removes immunity for public bodies and their officers, employees, and agents acting within the scope of their employment or duties for any claim arising out of riot, civil commotion, or mob action.

Oregon State Police

OSP anticipates a fiscal impact from this measure due to the new restrictions and changes it creates. The agency anticipates needing to add two positions: one Lieutenant to the Professional Standards Section to handle additional investigations related to crowd control response and one Sergeant to handle the training and coordination of the new crowd control guidelines. In order to accommodate diverse populations, the agency also anticipates needing to purchase a wheelchair accessible van to transport an arrested individual that is in a wheelchair. In order to comply with the prohibition of strobe lights for crowd control, OSP may need to make

changes to the light bars on their vehicles. Total estimated costs for this measure is \$2,169,827 General Fund in the 2021-2023 biennium and \$771,827 General Fund in the 2023-2025 biennium.

Department of Public Safety Standards and Training

This measure does not have a fiscal impact on DPSST.

Cities, counties

The cities and counties report an indeterminate fiscal impact from this measure.