

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 575 - 1

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:

Modifies procedure for expunction of certain juvenile records.

Government Unit(s) Affected:

Oregon Youth Authority (OYA), Oregon Judicial Department (OJD), District Attorneys and their Deputies (DAs), Public Defense Services Commission (PDSC), Counties

Summary of Fiscal Impact:

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

Summary of Expenditure Impact:

Oregon Youth Authority	2021-23 Biennium	2023-25 Biennium
General Fund	\$2,673,930	\$2,941,323
Total Funds	\$2,673,930	\$2,941,323
Positions	-	-
FTE	-	-

Analysis:

SB 575 with the -1 amendment requires a juvenile department to expunge juvenile records if the youth interacted with a county juvenile department but never became subject to the jurisdiction of juvenile court. The measure clarifies that for a juvenile department to initiate the expunction process, the juvenile must not have an open referral for a case and must not have had contact with the department resulting in an offender conviction that has been waived to adult court.

The measure requires the department to search other agencies that may possess files related to the juvenile’s case in order to expunge those records, and defines the length of time agencies have to comply with an expungement requirement.

This measure also directs the Oregon Youth Authority (OYA) and county juvenile departments to develop statewide model forms and directs OYA to report to the Legislative Assembly on preparation status by September 15, 2021 and on process, data and further recommendations by January 2, 2022.

Oregon Youth Authority

SB 575 would have a fiscal impact for the Oregon Youth Authority, borne by the county juvenile departments who will take on new work required by this measure. OYA would reimburse counties for the expunctions with the General Fund moneys provided.

OYA estimates a statewide cost per year using a flat case rate of \$206.15 per expunction. An average cost was calculated using 2015-2019 data on youth who would have been eligible for expunction under SB 575, on the tasks required to perform expunctions, and on the hourly rate of pay for those performing expunctions. Based on this analysis, the average statewide cost per year was estimated at \$1,336,965. The average statewide cost per biennium would be \$2,673,930. However, this estimate may be higher than the actual amount required as it does not account for 2020 data, and the number of total eligible youth has declined consistently over the five-year period used to calculate the average. The rate will need to be adjusted in future years as costs, eligible youth, and number of cases change.

Oregon Judicial Department

The Oregon Judicial Department (OJD) anticipates a minimal fiscal impact from this measure. OJD may see a small increase in court orders from juvenile departments seeking to compel other agencies to expunge a juvenile's record. OJD also anticipates a small number of additional civil cases filed in circuit courts for violations of confidentiality. These cases average \$502 per case, and OJD does not anticipate more than 3 such cases filed each year. Should a person request a court-appointed attorney for the expunction process, there would be an associated administrative cost to OJD of about \$70 per case, but the number of those instances is not estimated. Finally, requirements in the measure relating to data collection and reporting to the Legislative Assembly could be performed using existing resources.

Counties

Counties would be responsible for taking on new work related to expunging juvenile cases at the cost determined by OYA, above.

District Attorneys and their Deputies and the Public Defense Services Commission do not report a fiscal impact from this measure.

This measure warrants a subsequent referral to the Joint Committee on Ways and Means for consideration of its budgetary impact on the State's General Fund.