

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 823 - 2

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

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

Prepared by: Kim To
Reviewed by: Julie Neburka, John Borden, Laurie Byerly
Date: April 8, 2021

Measure Description:

Specifies procedures for providing notice to defendant in charging instrument and at arraignment when conviction would result in firearm prohibition.

Government Unit(s) Affected:

Oregon State Police (OSP), Oregon Judicial Department (OJD), District Attorneys and their Deputies (DAs), Criminal Justice Commission (CJC), Department of Justice (DOJ), Public Defense Services Commission (PDSC), Oregon State Sheriffs' Association (OSSA), Counties

Summary of Fiscal Impact:

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

Summary of Expenditure Impact:

| | 2021-23 Biennium | 2023-25 Biennium |
|---------------------------|-------------------------|-------------------------|
| General Fund | | |
| Professional Services | 115,000 | |
| Total General Fund | \$115,000 | \$0 |

Analysis:

SB 823 with the -2 amendment appropriates \$115,000 General Fund to the Oregon State Police (OSP) to fund the modifications to the Law Enforcement Data System (LEDS) needed to capture the information required for new notice and process requirements for firearms prohibitions resulting from convictions for qualifying misdemeanors and for convictions for stalking established by the measure.

The measure repeals the current process for courts to report to OSP firearm prohibitions and establishes new notice and process requirements for firearms prohibitions resulting from convictions for certain offenses. The measure requires that the district attorney (DA) allege in the charging instrument one of the relationships listed in the measure in the indictment for a qualifying misdemeanor. The Department of Justice (DOJ), in consultation with the State Court Administrator will develop the forms used to provide notice. The measure lists the ways that the relationship between the defendant and the victim can be established, either by the defendant stipulating to the relationship, the DA proving the relationship after a guilty or no contest plea, or by the DA proving the relationship at trial. If the relationship is established and the defendant either pleads guilty or no contest or is convicted of a qualifying misdemeanor, or of stalking, then the court must make a written determination of the relationship. The court must enter an order prohibiting the defendant from possession of firearms or ammunition. The court must inform the defendant that OSP and the county sheriff will be notified of the order. The court must transmit the order to OSP and the county sheriff. OSP and the county sheriff are required to enter the order into the relevant state (LEDS) and national [National Crime Information Center (NCIC)] databases. The State Court Administrator may develop forms for the determination and order.

Oregon State Police (OSP)

OSP estimates the cost of contracting with a vendor to update LEDS to accommodate the entry of court orders relating to the prohibition on possessing firearms and ammunition as required by the measure to be \$115,000 General Fund.

Criminal Justice Commission (CJC), Public Defense Services Commission (PDSC), Department of Justice (DOJ), Oregon Judicial Department (OJD), District Attorneys and their Deputies (DAs), Counties

Passage of this measure is anticipated to have a no or minimal fiscal impact to CJC, PDSC, DOJ, OJD, DAs, cities, and counties.

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