

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 48 - A5

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:

Directs presiding judge in each judicial district to enter standing pretrial release orders.

Government Unit(s) Affected:

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

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
Oregon Judicial Department		
General Fund	\$2,210,910	\$2,836,829
Total Funds	\$2,210,910	\$2,836,829
Positions	13	13
FTE	9.71	13.00

Analysis: The measure modifies the current criminal pretrial release process and requires the Chief Justice of the Supreme Court to establish pretrial release guidelines with input from a criminal justice advisory committee. The guidelines established by the Oregon Judicial Department (OJD) will be applied across the state’s 27 judicial districts and 36 counties through presiding judge release orders. The presiding judge release orders will be tailored to local circumstances and needs after consideration and consultation with local stakeholders. The measure also places new victim notification requirements on District Attorneys (DAs) offices. The measure allows presiding judges to appoint release assistance officers to interview each person detained, except when impracticable, the release assistance officers will also make reasonable attempts to contact victims before notifying the court of a release decision. A magistrate will make a release decision at arraignment after the defendant is taken into custody unless there is good cause to postpone the release decision. The district attorney must make reasonable effort to notify the victim of the time, location, and date of the arraignment and to determine if the victim is present.

OJD anticipates adding 10 OJD Analyst 2 (7.08 FTE) who would facilitate implementation of the guidelines, in the state’s 27 judicial districts, established by the Chief Justice for pretrial release. In addition, the Office of the State Court Administrator will require two OJD Analyst 3 (1.75 FTE) positions to provide support for implementation of the guidelines and one OJD Senior Staff Counsel (0.88 FTE) to provide legal advice and facilitate the establishment of the guidelines. Of note is that the Chief Justice’s Recommended Budget for the 2021-23 biennium includes a policy package related to pretrial release (Policy Package #101-2).

District Attorneys and counties anticipate an indeterminate fiscal impact due to the increased victim notification requirements. The impact to counties is also indeterminate due to two factors: (a) a potential increase in the number of incidences of failure to appear; and (b) savings related to the number of pretrial releases.

Public Defense Services Commission does not anticipate a fiscal impact due to this bill.

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.