

**SB 48 C BUDGET REPORT and MEASURE SUMMARY**

**Carrier:** Rep. Kropf

**Joint Committee On Ways and Means**

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**Action Date:** 06/18/21

**Action:** Do Pass the C-Eng bill.

**House Vote**

**Yeas:** 10 - Bynum, Drazan, Gomberg, Leif, McLain, Nosse, Rayfield, Sanchez, Sollman, Stark

**Exc:** 1 - Smith G

**Senate Vote**

**Yeas:** 11 - Anderson, Frederick, Golden, Gorsek, Hansell, Johnson, Knopp, Lieber, Steiner Hayward, Taylor, Thomsen

**Nays:** 1 - Girod

**Prepared By:** April McDonald, Department of Administrative Services

**Reviewed By:** John Borden, Legislative Fiscal Office

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**Judicial Department**

**2021-23**

## **Budget Summary**

	2019-21	2021 - 23	2021-23	Committee Change from 2019-21	
	Legislatively Approved Budget <sup>(1)</sup>	Current Service Level	Committee Recommendation	Leg. Approved	
				\$ Change	% Change
General Fund	\$ -	\$ -	\$ 2,210,910	\$ 2,210,910	100.0%
Total	\$ -	\$ -	\$ 2,210,910	\$ 2,210,910	100.0%

## **Position Summary**

Authorized Positions	13	13
Full-time Equivalent (FTE) positions	9.71	9.71

## **Summary of Revenue Changes**

SB 48 appropriates \$2,210,910 General Fund to the Oregon Judicial Department (OJD) to establish 10 additional analysts, working in circuit courts throughout the state, and another three positions in the Office of the State Court Administrator to implement the new pretrial release guidelines and ensure operation is executed as intended.

## **Summary of Public Safety Subcommittee Action**

SB 48 modifies the current criminal pretrial release process, including removal of minimum bail amounts, and requires Oregon's Chief Justice of the Supreme Court to establish pretrial release guidelines with input from a criminal justice advisory committee, appointed by the Chief Justice. The guidelines established by OJD will be applied across the state through release orders issued by the presiding judge. The guidelines are intended to:

- Provide a consistent release decision-making structure across the state;
- Reduce reliance on the use of security for bail;
- Include provisions for victim notification and input; and
- Balance defendant rights and presumption of pretrial release against any risk to public safety and of failure to appear.

The measure also places new victim notification requirements on District Attorney's offices, and allows presiding judges to appoint release assistance officers to interview each person detained, except when impracticable. The release assistance officers will make reasonable attempts to contact victims before notifying the court of a release decision. Unless there is good cause to postpone, the release decision will be made at arraignment after the defendant is taken into custody. The measure also allows OJD to take action to comply with requirements established by the measure prior to the operative date of July 1, 2022, if necessary.

The Subcommittee recommended an appropriation of \$2,210,910 General Fund for OJD operations to support the following 13 permanent positions (9.71 FTE) and associated services and supplies in the 2021-23 biennium:

- 10 additional OJD Analyst 2 positions (7.08 FTE) located in circuit courts statewide, starting in February 2022;
- Two OJD Analyst 4 positions (1.75 FTE) located in the Office of the State Court Administrator, starting in October 2021; and
- One OJD Senior Staff Counsel (0.88 FTE) located in the Office of the State Court Administrator, starting in October 2021.

Additionally, the Subcommittee approved the following budget note:

**Budget Note:**

The Judicial Department is requested to submit a report on the Chief Justice release guidelines established for pretrial release orders under SB 48 (2021). The report is to be submitted to the Legislature in 2022, by no later than February 1, 2022, and to the House and Senate Committees on Judiciary and the Joint Committee on Ways and Means. The report is to address how the guidelines accomplish the intended objectives in SB 48, which are as follows: (a) provide consistent release decision-making structure across the state; (b) reduce reliance on the use of security; (c) include provisions for victim notification and input; and (d) balance the rights of the defendant and presumption of pretrial release against community and victim safety and the risk of failure to appear. In addition, the report is to provide a fiscal estimate related to the Chief Justice release guidelines and for a continued Legislative investment in the state's pretrial release programs and activities.

In the 2023-25 biennium, the OJD positions will be funded for the full 24 months (13.00 FTE), resulting in an increased expenditure impact totaling approximately \$2.8 million General Fund. 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, part 2).

**DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION**

Judicial Department  
 April McDonald – 503-877-8125

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
<b><u>SUBCOMMITTEE ADJUSTMENTS</u></b>									
<b>SCR 100 - Trial Courts</b>									
Personal Services	\$ 1,330,049	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,330,049	10	7.08
Services and Supplies	\$ 116,231	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 116,231		
<b>SCR 102 - Administration and Central Support</b>									
Personal Services	\$ 729,761	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 729,761	3	2.63
Services and Supplies	\$ 34,869	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34,869		
<b>SUBCOMMITTEE RECOMMENDATION</b>	<b>\$ 2,210,910</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,210,910</b>	<b>13</b>	<b>9.71</b>