

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 4142 - 4

81st Oregon Legislative Assembly – 2022 Regular Session
Legislative Fiscal Office

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

Prepared by: Emily Coates
Reviewed by: Tom MacDonald, John Borden, John Terpening, Amanda Beitel
Date: 2/25/2022

Measure Description:

Expands crime of assault in the third degree to include causing physical injury to person working in hospital while worker is performing official duties.

Government Unit(s) Affected:

Criminal Justice Commission (CJC), Oregon Youth Authority (OYA), District Attorneys and their Deputies (DAs), Department of Corrections (DOC), Oregon Health Authority (OHA), Oregon Judicial Department (OJD), Public Defense Services Commission (PDSC), Counties, Department of Justice (DOJ)

Summary of Fiscal Impact:

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

Analysis:

This measure expands crime of assault in third degree to include intentionally or knowingly causing physical injury to a person working in a hospital while the worker is performing official duties. Punishes for committing such crime include maximum of five year’s imprisonment, \$125,000 fine, or both. This measure declares an emergency, effective on passage.

Assault in the third degree is a Class C felony. Currently, the assault of a health care worker would typically be charged as assault in the fourth degree, which is a Class A misdemeanor. CJC assumes 10 felony convictions per year under this measure. Using conviction rates for the crime of assault in the third degree from 2016 to 2021, CJC estimates that 3 per year, or 29%, would result in a prison sentence within a Department of Corrections (DOC) facility; 1 per year, or 3% would be sentenced under local control, and the remainder, or 68%, would receive a probation sentence with an average length of 38 months.

DOC assumes a three-month lag between the measures effective date and the date first offenders may be received. The estimated length of stay in a DOC facility is assumed to be approximately 29 months at a marginal cost per day of \$22.56. The estimated length of stay in local control is approximately 10 months, with an estimated 38 months of probation. The cost per day for local control and probation is \$12.43 per offender. Based on CJC’s estimates, DOC assumes a fiscal impact of \$14,214 General Fund for the 2021-23 biennium and \$157,661 General Fund for the 2023-25 biennium.

HB 3194 (2013) requires a 10-year estimate of the fiscal impact for measures with an effect on crimes and sentencing. Using the conviction rate assumptions outlined above, DOC anticipates the costs for the 2025-27 biennium to be \$292,924 General Fund, \$324,972 General Fund for 2027-29, and \$326,694 General Fund for 2029-31.

While the number of potential legal cases that may come forward as a result of this measure is indeterminate, Oregon Judicial Department, Public Defense Services Commission and counties assume there will be a minimal fiscal impact.

The Legislative Fiscal Office notes that the cost estimates provided could vary depending on the actual number of cases, convictions and length of sentences issued.

There is no fiscal impact on the Department of Justice, Oregon Youth Authority, Oregon Health Authority, Oregon Criminal Justice Commission, or District Attorneys.