

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 1510 - A

81st Oregon Legislative Assembly – 2022 Regular Session
Legislative Fiscal Office*Only Impacts on Original or Engrossed
Versions are Considered Official*Prepared by: Emily Coates
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Date: 2/8/2022**Measure Description:**

Requires police officer to inform stopped person of right to refuse consent to search.

Government Unit(s) Affected:

Department of Public Safety Standards and Training (DPSST), Oregon State Police (OSP), Oregon Department of Transportation (ODOT), Board of Parole and Post-Prison Supervision (BPPPS), Counties, Cities, Oregon State Sheriffs' Association(OSSA), Criminal Justice Commission (CJC), Department of Corrections (DOC), Emergency Board

Summary of Fiscal Impact:

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

Summary of Expenditure Impact:

Oregon Criminal Justice Commission	2021-23 Biennium	2023-25 Biennium
General Fund		
Personal Services	388,273	636,939
Services and Supplies	233,584	96,000
Special Payments	10,000,000	0
Total Funds	\$10,621,857	\$732,939
Positions	3	3
FTE	1.89	3.00

Analysis:

This measure requires police officers to inform stopped person of right to refuse consent to search. If voluntary consent is given, the measure will require the officer to ensure there is written, video or audio record of permission given. The measure also prohibits an officer from commencing a traffic stop based on certain minor traffic violations that are not in compliance with existing law. An officer may issue a citation for these violations only if the officer has already stopped and detained the driver operating the vehicle for a separate traffic violation, effective January 1, 2023. The measure requires parole and probation officers to receive additional training in trauma-informed care, culturally specific services, and de-escalation techniques.

The measure requires Department of Corrections (DOC) along with community correction agencies and community members to adopt rules regarding the location of supervision visits, the frequency of visits, and the manner of reporting for persons under supervision. These standards must include evidence-based practices, the risks, needs and responsivity of each supervised person and the agency must incorporate a process that is least disruptive, avoids unnecessary hardships, offers a broad array of reporting options and is focused on the success of the person on supervision.

In addition, this measure appropriates \$10 million General Fund to the Oregon Criminal Justice Commission (CJC) for distribution to the Northwest Health Foundation Fund II (NWHF) to fund a Justice Reinvestment Equity

Program (JREP) and decreases the corresponding special purpose appropriation made to the Emergency Board for a Transforming Justice Initiative by \$10 million. NWHF will provide subgrants and technical assistance to culturally specific organizations and culturally responsive service providers through the Justice Reinvestment Equity Program. In addition, \$200,000 General Fund is appropriated to CJC to evaluate the implementation of the Justice Reinvestment Equity Program and monitor the progress of subgrants provided by the NWHF. CJC shall provide a report detailing the progress of the Justice Reinvestment Equity Program by September 30, 2024.

The measure directs CJC and DOC to report and collect data concerning the imposition of supervision conditions on persons on probation or post-prison supervision until January 2, 2033. CJC must report on the data collected to the Legislative Assembly no later than January 15, 2024. This measure declares emergency, effective on passage.

Oregon Criminal Justice Commission (CJC):

The Oregon Criminal Justice Commission (CJC) estimates the fiscal impact of this measure will be \$10.6 million General Fund in the 2021-23 biennium, including the \$10 million grant to NWHF and \$621,857 for personal services and services and supplies costs related to the Justice Reinvestment Equity Program, Justice Reinvestment, and data collection. Personal services costs support the addition of the following three permanent positions: a Research Analyst (0.63 FTE) to compile and evaluate data and reporting requirements; an Operations and Policy Analyst 3 (0.63 FTE) that will serve as the JREP Coordinator to administer the NWHF grant and subgrantees; and an Operations and Policy Analyst 2 (0.63 FTE) for a Program Facilitator that will assist with data collection and program facilitation. These positions are set to start April 1, 2022 to administer the NWHF grant and collection of data concerning the imposition of probation and post-prison supervision conditions. The estimated 2023-25 cost of the three positions (3.00 FTE) and associated services and supplies is \$732,939 General Fund.

Department of Public Safety Standards and Training (DPSST):

The fiscal impact to the Department of Public Safety Standards and Training is indeterminate at this time. DPSST will need to determine how to efficiently and effectively develop the training outlined in this measure, which could include bringing in a subject matter expert, contracting with a third-party, or developing the training within the department. DPSST estimates that the additional three requirements in the measure will increase the number of instructional hours by 40-80 hours for all parole and probation officers with an average cost of \$1,000 per hour.

Oregon State Police (OSP):

Oregon State Police determines this measure to have a minimal impact. The new requirements regarding consent to search and changes to the Oregon Vehicle Code will have a minimal impact as the agency would need to inform sworn officers of updates on current law which is currently done through a training bulletin.

There is no fiscal impact for the Department of Corrections, Oregon Department of Transportation, Board or Parole and Post-Prison Supervision, Oregon State Sheriffs' Association, or counties. Oregon cities note that the fiscal impact of this measure is indeterminate as it would require additional costs for retraining municipal officers.