

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 340 - A

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

Prepared by: Emily Coates
Reviewed by: Amanda Beitel, John Borden, John Terpening
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Measure Description:

Modifies which county trials may be held. Expands repeat property offender statute to include organized retail theft. Expands crime of theft in first degree.

Government Unit(s) Affected:

Oregon Youth Authority, District Attorneys, Judicial Department, Public Defense Services Commission, Department of Justice, Department of Corrections, Counties, Cities, Criminal Justice Commission

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

The measure authorizes courts to hold a trial in any county in which one of the offenses occurred when there are two or more offenses for certain property crimes listed under ORS 137.717 (2). The measure also expands the repeat property offender statutes to include organized retail theft and authorizes the courts to impose a presumptive sentence of at least 24-months. In addition, the measure expands crime of theft in the first degree to include during the commission of the theft, the person recklessly engages in conduct that creates a substantial risk of serious physical injury to another person. The measure is effective January 1, 2024.

Public Services Defense Commission (PDSC)

The fiscal impact to PDSC is indeterminate; however, the addition of a presumptive sentence, a new felony charge, and the aggregation of other factors will result in higher public defense costs across multiple counties/judicial districts. PDSC contracts for public defense on a jurisdictional basis. PDSC reports that the measure could result in multiple circuit courts appointing a public defender for the same defendant until such time as the case(s) for the defendant can be consolidated into a single circuit court and any double-jeopardy issues resolved. PDSC is unable to estimate the impact of the measure at this time, but the measure is anticipated to increase future provider contract costs once actual caseloads are identified.

Department of Corrections (DOC)

The overall fiscal impact for DOC is minimal. DOC reports the fiscal impact of the measure is \$46,384 General Fund for services and supplies and special payments to community corrections for the 2023-25 biennium and \$393,031 General Fund for services and supplies and special payments to community corrections for the 2025-27 biennium.

According to sentencing data on Theft I charges from 2022 provided by the Criminal Justice Commission (CJC), the Commission anticipates the measure will result in an additional 22 convictions per year, or 44 additional convictions in the 2023-25 biennium. CJC estimates that 17% of new convictions will be sentenced to a DOC facility, with an average sentence length of 14.1 months, 20% of new convictions will be sentenced to community corrections, with an average sentence of 3.3 months, and 63% of the new convictions will be sentenced to probation, with an average sentence length of 24 months.

DOC assumes a three-month lag between the measures effective date and the date first offenders may be received. Included in the cost estimates in the table above are funds that would be distributed to the community corrections departments of counties for the costs of probation, post-prison supervision, and local control. The estimated marginal cost per day for a DOC facility is \$24.30 per offender and the estimated cost per day for probation is \$13.83 per offender.

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 listed above, DOC anticipates the costs for the 2027-29 biennium to be \$484,316 General Fund, \$496,712 General Fund in 2029-31, and \$497,655 General Fund in 2031-33. The Legislative Fiscal Office notes that these cost estimates could vary depending on the actual number of criminal cases, convictions, and length of sentences issued.

There is a minimal fiscal impact for the Oregon Judicial Department, Oregon Youth Authority, and counties. According to the same CJC data on Theft I, OYA anticipates two youth per biennium who will be committed to close custody or probation therefore, this increase will be absorbed within existing resources.

There is no fiscal impact for District Attorneys, Criminal Justice Commission, or Department of Justice.