

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: SB 519 - A**

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

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Measure Description:

Modifies procedure for expunction of certain juvenile records.

Government Unit(s) Affected:

Counties, Department of Justice, Judicial Department, Oregon Youth Authority, Public Defense Services Commission, Cities, Department of Human Services, District Attorneys, Oregon Health Authority, Psychiatric Security Review Board

Summary of Fiscal Impact:

Costs related to the measure are anticipated to be minimal - See explanatory analysis.

Analysis:

The measure modifies the juvenile expungement process to allow a juvenile department to file an application for automatic expunction of records. The measure authorizes the juvenile court to issue a judgment granting expunction of the records without a hearing if certain criteria are met. In addition, the measure requires the Oregon Youth Authority (OYA), in consultation with county juvenile departments and the State Court Administrator, to develop statewide expunction forms for juvenile departments. It also reduces the required number of years, from five to four, that must pass for a person who does not qualify for automatic expunction. These provisions are effective January 1, 2024. However, the State Court Administrator and OYA may act before the operative date. The measure is effective on the 91st day following adjournment sine die.

SB 575 (2021) directed OYA and county juvenile departments to develop a statewide model for expunging juvenile records and estimated 8,815 expunctions, at an average rate of \$208.95 per case, to be performed during the 2021-23 biennium.

There is a minimal fiscal impact for OYA. If the measure becomes law and expands the population eligible for automatic expunction, OYA anticipates an additional 679 cases per year for counties, at an average rate of \$257.70 per case and 26 cases per year for youth committed to OYA. The additional workload can be absorbed within existing agency resources because OYA's current service level budget includes \$2.5 million for pass-through funding to counties and agency staff to perform the administrative duties for expunction of juvenile records.

There is a minimal fiscal impact for the Oregon Judicial Department (OJD). Although the agency cannot estimate the additional caseload, OJD believes that the overall impact can be absorbed within current resources.

The fiscal impact for counties is indeterminate and will vary by county. The potential increase in additional cases may be significant for some counties by volume; if so, pass-through funding may not cover the full cost of additional cases.

There is no fiscal impact for the Department of Human Services, Oregon Health Authority, Department of Justice, Public Defense Services Commission, District Attorneys, or Psychiatric Security Review Board.