

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: SB 1052**

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 crimes related to involuntary servitude and human trafficking.

Government Unit(s) Affected:

Bureau of Labor and Industries, Cities, Counties, Criminal Justice Commission, Department of Agriculture, Department of Consumer and Business Services, Department of Corrections, Department of Environmental Quality, Department of Human Services, Department of Justice, Department of Public Safety Standards and Training, Department of State Police, District Attorneys, Employment Department, Housing and Community Services Department, Judicial Department, Oregon Liquor and Cannabis Commission, Oregon Youth Authority, Public Defense Services Commission

Summary of Fiscal Impact:

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

Analysis:

The measure expands the crime of subjecting another person to involuntary servitude in the second degree to include when forcing another person to continue to engage in specified services. The measure requires the Criminal Justice Commission (CJC) to classify this offense as crime category 8 of the sentencing guidelines grid when the victim is under the age of 18 at the time of offense. The measure expands the crime of subjecting another person to involuntary servitude in the first degree to include forcing another person to continue to engage in specified services. The measure requires CJC to classify this offense as crime category 9 of the sentencing guidelines grid when the victim is under the age of 18 at the time of offense.

In addition, the measure expands the crime of trafficking in persons, a Class B felony, to include when a person recklessly disregards the facts that another person will be subject to involuntary servitude. The measure amends ORS 163.269 to allow for an affirmative defense in prosecution for a crime, other than a person crime, if the person was a human trafficking victim. Lastly, the measure requires the Board of Public Safety Standards and Training to include training on recognizing, investigating, and reporting cases involving labor and sex trafficking of children and adults in the basic certification training and requires the Department of Justice to develop by January 1, 2025 an annual training program for specified state agencies related to human trafficking awareness and prevention. The measure is effective January 1, 2024.

Department of Corrections (DOC)

The fiscal impact for DOC is indeterminate. According to data provided by DOC, there have only been 14 convictions that involved involuntary servitude in the first or second degree, or trafficking in persons since 2011. However, CJC's reporting related to the Illegal Marijuana Market Enforcement Grant Program indicates that 38 of 172, or 22%, of illegal cannabis incidents involved law enforcement reports of suspected labor trafficking or worker abuse. With increased law enforcement activity around illegal cannabis incidents and the potential involuntary servitude or trafficking cases, DOC believes that the use of prior conviction data may not be a good indicator of future charges, prosecutions, or convictions and cannot estimate the additional prison bed impact if the measure becomes law.

Public Services Defense Commission (PDSC)

The fiscal impact for PDSC is indeterminate. The expansion of crimes created by the measure are likely to increase public defense cost for financially eligible defendants by making the defense of these types of cases more complex. PDSC is unable to estimate the impact of the measure at this time but anticipates an increase in contracted costs.

Department of Justice (DOJ)

The fiscal impact for DOJ is minimal. The measure requires the agency to develop a training program for specified state agencies regarding human trafficking awareness and prevention. DOJ reports that the Trafficking Response and Intervention Program team, within the Crime Victims and Survivor Services Division, is currently creating training content for a federal grant and the only associated costs with developing the training program is the minimal cost of integrating the training into Workday. DOJ reports that integrating the training into Workday will provide annual accessibility to state agencies.

Other Agencies

There is a minimal fiscal impact for the Oregon Judicial Department, Bureau of Labor and Industries, Criminal Justice Commission, Department of Consumer and Business Services, Oregon Employment Department, Oregon Liquor and Cannabis Commission, and counties.

There is no fiscal impact for the Department of Environmental Quality, Department of Agriculture, Housing and Community Services Department, Oregon Youth Authority, Department of Human Services, Department of Public Safety Standards and Training, Oregon State Police, and District Attorneys.

The Legislative Fiscal Office (LFO) requested, but has not received, fiscal impact information from cities. In absence of this information, the fiscal impact to cities is indeterminate. If fiscal impact information is provided by cities, LFO will issue a revised fiscal impact statement.