

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 957 - 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:

Expands types of prior convictions that increase offense level for crime of public indecency. Expands the crime of luring a minor.

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 modifies the elevation of the crime of public indecency by expanding the list of prior convictions that would elevate the crime from a Class A misdemeanor to a Class C felony. The measure expands the crime of luring a minor to include the act of engaging in sexual conduct in the immediate presence of a minor for the purpose of inducing the minor to engage in sexual conduct. In addition, the measure expands the affirmative defense to the crime of luring a minor to include when a defendant has reasonable cause to believe the person was in their immediate presence when the defendant engaged in sexual conduct was not a minor. The measure is effective January 1, 2024.

Public Services Defense Commission (PDSC)

The fiscal impact to PDSC is indeterminate. The elevation of offense of a Class A misdemeanor to a Class C felony and the expansion of the Class C felony under the measure may result in incrementally higher public defense costs. PDSC is unable to estimate the impact of the measure at this time, but the measure is anticipated to increase 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 \$2,013 General Fund for prison costs and special payments to community corrections for the 2023-25 biennium and \$27,925 General Fund for prison costs and special payments to community corrections for the 2025-27 biennium.

According to 2022 sentencing data provided by the Criminal Justice Commission (CJC) on convictions for a felon luring a minor and public indecency, the Commission anticipates the measure will result in an additional two convictions in the 2023-25 biennium. CJC estimates 39 prison bed days, 9 post-prison supervision days, 64 probation days and 4 local control bed days.

DOC assumes a three-month lag between the measure's effective date and the date by which offenders may be received. The anticipated population increase from this measure would not require increased staffing, so the estimated marginal cost per day is \$24.30 per offender at a DOC facility and \$13.83 per offender on probation.

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 \$50,295 General Fund, \$58,236 General Fund in 2029-31, and \$59,531 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, Department of Justice, and counties.

There is no fiscal impact for District Attorneys, Criminal Justice Commission, Oregon Youth Authority, or cities.