

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: SB 348 - MRA**

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

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Date: 4/10/2023

Measure Description:

Increases the crime category for a felon in possession of a firearm.

Government Unit(s) Affected:

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

Summary of Fiscal Impact:

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

Summary of Expenditure Impact:

	2023-25 Biennium	2025-27 Biennium
Department of Corrections		
General Fund		
Prison Costs	\$210,459	\$3,074,632
Community Corrections	\$(169,000)	\$(1,372,059)
Total Fiscal Impact	\$41,459	\$1,702,573

Analysis:

The measure requires the Criminal Justice Commission (CJC) to classify the crime of felon in possession of a firearm as a crime category 8 on the sentencing guidelines grid. Under current law, this crime is classified as a crime category 6.

In addition, the measure amends ORS 166.435 to include the transfer of a firearm to a transferee who is a certified participant of the Address Confidentiality Program as a situation that is not required to abide by specified requirements of the transfer. These provisions apply to firearm transfers occurring on or after the effective date of the measure.

The measure is effective January 1, 2024.

Department of Corrections

The Department of Corrections (DOC) anticipates the fiscal impact of the measure to be \$41,459 General Fund for the 2023-25 biennium and \$1.7 million General Fund for the 2025-27 biennium. Due to the increase in crime seriousness, CJC anticipates the measure will increase the number of individuals now sentenced to a DOC facility and decrease the number of people sentenced to local control and probation. According to data from CJC on convictions of a felon in possession of a firearm from 2022, about 53% of convictions will be sentenced to a DOC facility, with an average sentence length of 28 months, 2% of these convictions will be sentenced to local control with an average sentence of 8.8 months, and 45% of convictions sentenced to probation, with an average sentence length of 36 months. This equates to the average number of people sentenced to a DOC facility increasing from 166 to 251, and for local control and probation reduced from 308 to 223 in a biennium.

DOC assumes a three-month lag between the measures effective date and the date first offenders may be received. The table above provides the estimated decrease in funds that would be distributed to the Community Corrections departments of counties for the costs of probation, post-prison supervision, and local control. 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 \$2.5 million General Fund, \$3.9 million General Fund in 2029-31, and \$4.4 million 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.

Counties report there is no fiscal impact. As noted above, DOC distributes General Fund to community corrections for a portion of costs associated with probation, post-prison supervision, and local control. However, if the measure becomes law it will result in a decrease of funds distributed to the Community Corrections departments of counties each biennium; \$169,000 in the 2023-25 biennium and \$1.4 million in the 2025-27 biennium.

Public Services Defense Commission (PDSC)

The fiscal impact for PDSC is indeterminate. The two-level increase in crime seriousness and the associated presumptive prison sentence may result in increased, pretrial, trial, and possibly appellate-level public defense costs. PDSC is unable to estimate the impact of the measure at this time, but the measure is anticipated to increase costs once actual caseloads are identified.

Other Entities

There is a minimal fiscal impact to the Department of Justice, Oregon Judicial Department and Criminal Justice Commission. There is no fiscal impact to Oregon Youth Authority, Oregon State Police, District Attorneys, or cities.

This measure requires a subsequent referral to the Joint Committee on Ways and Means for consideration of its budgetary impact on the State's General Fund.