



Legislative Fiscal Office
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Bill Title: Relating to the authority of supervising officers.

Government Unit(s) Affected: Criminal Justice Commission, Judicial Department, Department of Justice, Board of Parole and Post-Prison Supervision, Department of Corrections, Oregon Health Authority, Counties, Department of Transportation, Oregon Youth Authority, District Attorneys, Cities, Public Defense Commission

Summary of Fiscal Impact

- Costs related to the measure are anticipated to be minimal - see explanatory analysis.
- ORS 173.029 requires the Legislative Fiscal Office to estimate the 10-year fiscal impact on state and local government for measures with an effect on crimes and sentencing. An initial estimate of the measure’s potential 10-year fiscal impact on correctional populations and associated costs is included below within the fiscal analysis section.

Measure Description

The measure expands the definition of “custody” to include parole and probation officers as it applies to the unauthorized departure of an individual, which can constitute the crime of Escape in the First, Second or Third degree. Currently, if an individual flees from the custody of a parole and probation officer, the District Attorney may choose not to pursue the charge of Escape because parole and probation officers do not meet the statutory definition of a peace officer and are not authorized to have custody of an individual. The measure also adds parole and probation officers to the list of individuals authorized to access digital images of photographs retained by the Oregon Department of Transportation (ODOT).

Fiscal Analysis

The fiscal impact of the measure is minimal in the 2025-27 and 2027-29 biennium.

Department of Corrections

The estimated impact on the Department of Corrections is \$26,609 General Fund in the 2025-27 biennium and \$89,526 General Fund in the 2027-29 biennium. These costs will increase to \$119,489 General Fund in 2029-31, \$125,431 General Fund in 2031-33, and \$127,066 General Fund in 2033-35.

The estimated costs result from an anticipated increase in annual felony convictions under the measure and its effect on community corrections and DOC prison populations. To determine the potential sentencing for the modification of the crime criteria, the Criminal Justice Commission (CJC) utilized sentencing data on convictions of Escape in the First and Second degree from 2022 to 2024. Based on that data, CJC anticipates the measure will result in an additional three felony convictions per year, or six additional felony convictions for the 2025-27 biennium. CJC estimates 57% of new felony convictions will be sentenced to a DOC facility, with an average sentence length of 18 months, and 22% of new felony convictions will be sentenced to probation, with an average sentence length of 36 months.

The fiscal impact assumes a three-month lag between the measure's effective date and the date first offenders may be received through the criminal justice system. The cost estimates include funds that would be distributed to county community corrections departments for the costs of probation, post-prison supervision, and local control. As part of the cost calculations, the estimated marginal cost per day for a DOC facility is \$26.05 per offender and the estimated cost per day for probation is \$15.09 per offender.

Should this measure become law, any deviation between the estimates assumed in this fiscal analysis and the actual number of criminal cases, convictions, and length of sentences issued would be incorporated in the Department of Administrative Services Office of Economic Analysis corrections population forecast. These forecasts are issued twice per year and used to determine any necessary budget modifications to the agency.

Public Defense Commission

The fiscal impact to the Public Defense Commission (PDC) is minimal and estimated to be \$27,574 General Fund in the 2025-27 biennium and \$30,401 General Fund in the 2027-29 biennium. PDC provides counsel for indigent defendants through a combination of contract, hourly, and state-employed attorneys. According to data from the Oregon Judicial Department (OJD), there has been an average of 66 felony and 227 misdemeanor cases filed per year between 2018 and 2024. PDC anticipates that the addition of parole and probation officers to the definition of custody for the purpose of charging an individual with the crime of Escape in the First, Second or Third degree will cause a minimal increase in the caseload for contracted attorneys. Contract attorneys are funded based on the Maximum Attorney Caseload (MAC) which is the maximum caseload an attorney can take based on 300 weighted misdemeanors. Assuming an additional 18 Escape in Third degree (class C misdemeanor) charges per year, PDC anticipates the need of an additional 0.06 MAC, for an estimated cost of \$27,574 General Fund in the 2025-27 biennium.

Other Entities

The Legislative Fiscal Office (LFO) notes that this measure may have a fiscal impact on cities. LFO has requested, but not yet received fiscal impact information, therefore the fiscal impact on cities is indeterminate. If fiscal impact information is provided by cities that will significantly change the fiscal, LFO will issue a revised fiscal impact statement.

The measure has a minimal fiscal impact on the Department of Justice, ODOT, and OJD.

The measure has no fiscal impact on the Criminal Justice Commission, Board of Parole and Post-Prison Supervision, Counties, District Attorneys, Oregon Health Authority, and Oregon Youth Authority.

Relevant Dates

The measure declares an emergency and takes effect on passage.

The provisions related to digital images being shared with parole and probation officers becomes operative January 1, 2026.