



Legislative Fiscal Office
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Bill Title: Relating to assaults in the workplace.

Government Unit(s) Affected: Criminal Justice Commission, Cities, Counties, Department of Corrections, Department of Justice, District Attorneys, Judicial Department, Oregon Youth Authority, 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 elevates the crime of assault in the fourth degree from a Class A misdemeanor to a Class C felony if the assault is committed against a victim who is performing official duties as part of their employment and the individual has two or more previous convictions or committed an equivalent crime in another jurisdiction with at least two of the previous assaults against victims who were performing official duties of their employment.

Under current law, the crime of assault in the fourth degree is a Class A misdemeanor and elevates to a Class C felony under specified circumstances. This measure would add to the specified circumstances assaulting a victim who is performing official duties as part of their employment by an individual who has two or more previous convictions, or a committing an equivalent crime in another jurisdiction, with at least two of the previous assaults being against a victim who was performing official duties as part of their employment.

Fiscal Analysis

The fiscal impact of the measure is minimal in the 2023-25 and 2025-27 biennium.

Department of Corrections

The estimated impact on the Department of Corrections (DOC) is \$28,023 General Fund in the 2025-27 biennium and \$169,800 General Fund in the 2027-29 biennium. These costs will increase to \$249,771 General Fund in 2029-31, \$261,686 General Fund in 2031-33, and \$263,677 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 previous assault convictions. Based on that data, CJC anticipates the measure will result in an additional seven felony convictions per year, or 14 additional felony convictions for the 2025-27 biennium. CJC estimates 33% of new

felony convictions will be sentenced to a DOC facility, with an average sentence length of 19 months, and 57% of new felony convictions will be sentenced to probation, with an average sentence length of 34 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 indeterminate and dependent on the number of charges filed under this measure as well as those defendants determined to be financial eligibility for court-appointed counsel. PDC provides counsel for indigent defendants through a combination of contract, hourly, and state-employed attorneys. According to data from PDC, there have been 2,143 misdemeanor assault in the fourth-degree cases filed thus far in fiscal year 2025, or roughly 268 charges per month. Currently, there is no mechanism for PDC to determine how many charges would result for defendants who are charged with a felony level specifically for assaulting an employee who was fulfilling their official duties of their employment. The estimated number of this subset of felony charges, coupled with those determined to be financially eligible for court-appointed counsel, is expected to be relatively small. The actual number of cases, however, will be factored into future Department of Administrative Services - Office of Economic Analysis (DAS OEA) public defense forecasts.

Other entities

The measure has a minimal fiscal impact on the Oregon Judicial Department, District Attorneys, and counties.

The measure has no fiscal impact on CJC, Department of Justice, Oregon Youth Authority, and cities.

Relevant Dates

The measure takes effect on January 1, 2026.