



Legislative Fiscal Office
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Prepared by: Chelsey Herrmann
Reviewed by: Steve Robbins, John Borden, Amanda Beitel
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Bill Title: Relating to public transit vehicle operators.

Government Unit(s) Affected: Oregon Youth Authority, District Attorneys, Judicial Department, Public Defense Commission, Department of Justice, Department of Corrections, Counties, Cities, Criminal Justice Commission

Summary of Fiscal Impact

2025-27 Biennium	General Fund	Lottery Funds	Other Funds	Federal Funds	Total Funds	Positions	FTE
Department of Corrections	\$ 74,420	\$ -	\$ -	\$ -	\$ 74,420	-	-
Total Fiscal Impact	\$ 74,420	\$ -	\$ -	\$ -	\$ 74,420	-	-

2027-29 Biennium	General Fund	Lottery Funds	Other Funds	Federal Funds	Total Funds	Positions	FTE
Department of Corrections	\$ 587,902	\$ -	\$ -	\$ -	\$ 587,902	-	-
Total Fiscal Impact	\$ 587,902	\$ -	\$ -	\$ -	\$ 587,902	-	-

- 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 eligible conduct for committing the crimes of assault in the third degree and aggravated harassment.

Under current law, an individual commits the crime of assault in the third degree under specified circumstances, including intentionally, knowingly, or recklessly causing physical injury to an operator of a public transit vehicle while the operator is in control of or operating the vehicle, which is a Class C felony. An individual commits the crime of aggravated harassment if the individual knows the other person is a staff member or public safety officer and knowingly propels saliva, blood, urine, semen, feces or other dangerous substances at the staff/officer while they are acting in the course of their official duties, which is a Class C felony.

The measure expands the conduct of causing physical injury to an operator of a public transit vehicle from the injury happening while the operator was in control or operation of the vehicle to the operator acting in the course of performing their official duties. The measure also adds operator of a public transit vehicle to the list of individuals whom a person can commit the crime of aggravated harassment against and adds the definition of a public transit vehicle.

Fiscal Analysis

The fiscal impact of the measure is estimated to be \$74,420 General Fund in the 2025-27 biennium and \$587,902 General Fund in the 2027-29 biennium. These costs are estimated to increase to \$749,529 General Fund in future biennia.

Department of Corrections

The estimated impact on the Department of Corrections (DOC) is \$74,420 General Fund in the 2025-27 biennium and \$587,902 General Fund in the 2027-29 biennium. These costs will increase to \$723,034 General Fund in 2029-31, \$744,942 General Fund in 2031-33, and \$749,529 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 this new crime, the Criminal Justice Commission (CJC) utilized sentencing data on prior convictions on aggravated assaults. Based on that data, CJC anticipates the measure will result in an additional 16 felony convictions per year, or 32 additional felony convictions for the 2025-27 biennium. CJC estimates 35% of new felony convictions will be sentenced to a DOC facility, with an average sentence length of 13.6 months, and 51% 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 (DAS OEA) 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 financially eligible for court-appointed counsel. PDC provides counsel for indigent defendants through a combination of contract, hourly, and state-employed attorneys. PDC is unable to estimate how many charges would result for defendants who were charged with a felony level specifically for aggravated harassment of a public transit operator or assault of a public transit operator who was acting in the course of their official duties. The Legislative Fiscal Office notes that, given sentencing estimate prepared by CJC, the estimated number of felony charges under this measure, coupled with those determined to be financially eligible for court-appointed counsel, is expected to be relatively small when compared to overall public defense felony caseloads. The actual number of eligible cases that do occur will be factored into future DAS OEA public defense forecasts.

Other entities

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

The measure has no fiscal impact on CJC and the Department of Justice.

Relevant Dates

The measure takes effect on January 1, 2026.