

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 719 - 5

79th Oregon Legislative Assembly – 2017 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Creates extreme risk protection order.

Government Unit(s) Affected:

Judicial Department, Department of Justice, District Attorneys and their Deputies, Oregon State Police (OSP), Public Defense Services Commission

Summary of Expenditure Impact: See Analysis

Analysis:

The fiscal impact is indeterminate. The measure creates a process for obtaining an extreme risk protection order prohibiting person from possessing a deadly weapon. The measure requires the court to hear the petition and issue an order on the same day it is filed or by the next judicial business day.

The number of protective orders that may be filed with the courts is unknown. Additionally, the number of orders that may need to served and deadly weapons that may need to be seized and retained by the Oregon State Police or other law enforcement entities is unknown.

The Oregon Judicial Department (OJD) assumes this protective order process will be modeled after the Family Abuse Prevention Act (FAPA) process and be similar in cost, which is generally about \$240 per case. In order to attempt to estimate the number of protective orders that may occur, OJD is estimating an amount equivalent to 10% of the total FAPA and stalking protective order cases. The Department notes that there were 9,869 FAPA cases and 2,704 stalking protective order cases filed in circuit courts in 2016.

Based on the 10% estimate, OJD anticipates 1,257 extreme protection order cases at an average cost of \$240 per case, for equivalent costs of approximately \$600,000 General Fund per biennium. The Department notes that due to the complexity of this new protective order, there may be minimal one-time costs associated with implementation estimated at around \$22,000 General Fund. OJD notes that circuit court docket management will be an issue, especially with the timeliness of hearing these extreme protection order cases; however, this impact is indeterminate at this time.

The measure creates two new misdemeanor offenses, for possessing a deadly weapon knowingly in violation of the risk protection order and for knowingly filing a false petition. There is anticipated to be a minimal fiscal impact as a result of these misdemeanors to the Judicial Department, District Attorney’s and their Deputies, Public Defense Services Commission, and the Department of Justice.