

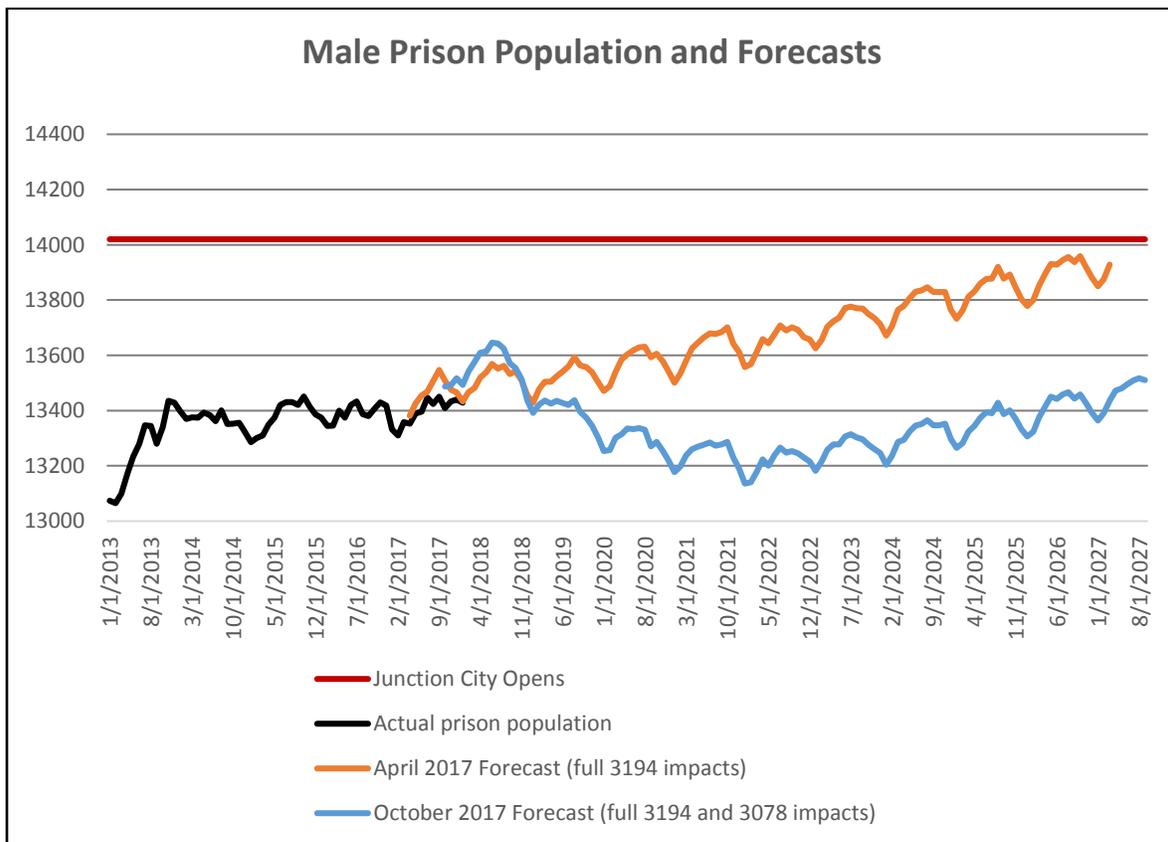


**House Bill 3078 (2017)**  
**Impact Report to the Senate and House**  
**Committees on Judiciary**

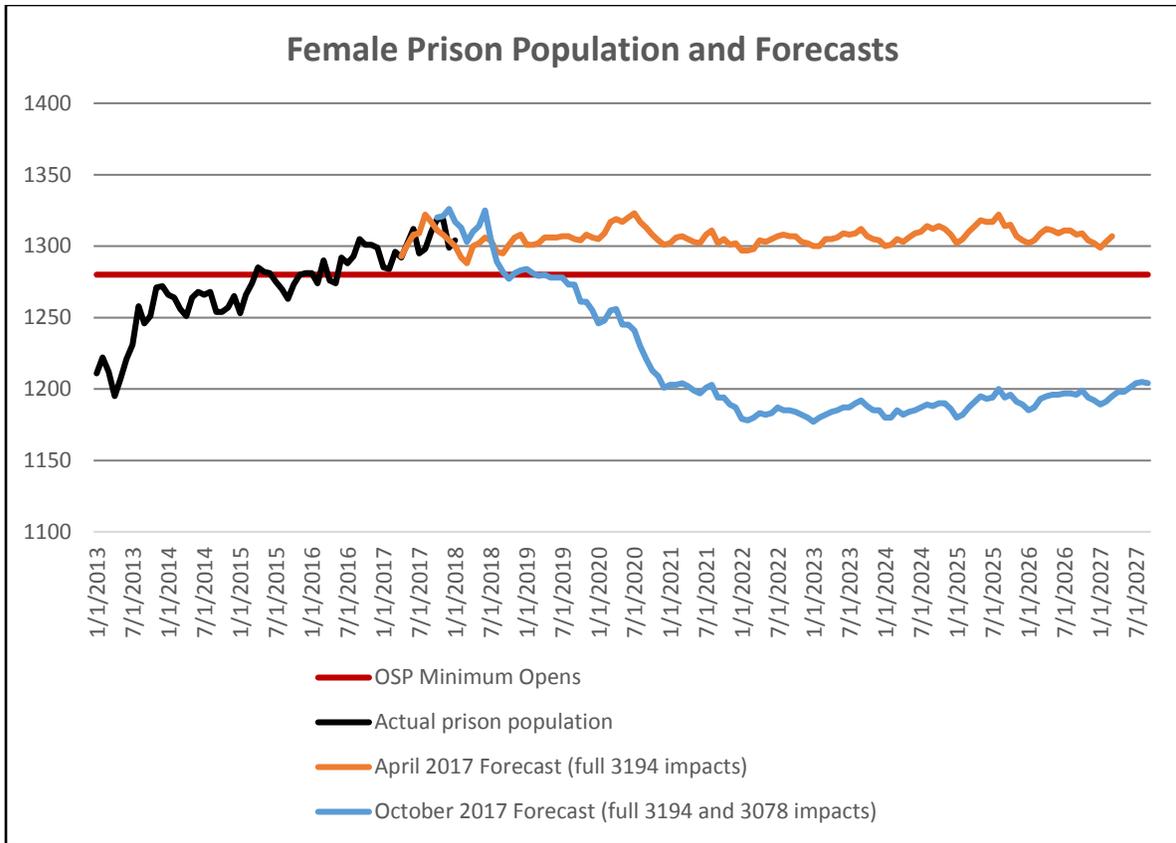
*February 1, 2018*

## Background on HB 3078 (2017)

In the 2017 legislative session, the legislature passed and the Governor signed House Bill 3078. Section 10 of this bill requires the Oregon Criminal Justice Commission (CJC) to study the impact of this legislation on “prison utilization, recidivism and public safety,” and to report the results by February 1 of each year. This is the first annual report and many parts of HB 3078 are just beginning to take effect so the impact on prison utilization, recidivism and public safety cannot yet be determined. However, the estimated prison bed impact of the changes have been included in the most recent (October 1, 2017) Oregon Corrections Population Forecast<sup>1</sup> prepared by the Office of Economic Analysis. The estimated impact is a significant prison utilization reduction, especially for the female prison population. The figures below compare the Corrections Population Forecast with and without the estimated impact of HB 3078. The orange line is the April 2017 Forecast, before HB 3078 was passed, and the blue line is the October 2017 Forecast, with the HB 3078 changes factored in.



<sup>1</sup> <http://www.oregon.gov/das/OEA/Documents/DOCForecast201710.pdf>



**Family Sentencing Alternative Pilot Program (Section 2)**

HB 3078 removed some of the restrictions that previously prevented otherwise eligible offenders from participating in the Family Sentencing Alternative Pilot Program (FSAP). The changes to FSAP apply to sentences on or after the effective date of HB 3078 on August 8, 2017. The Department of Corrections (DOC) oversees the program and submits an annual report.<sup>2</sup> According to the DOC report the HB 3078 amendments “are significant factors in the increased number of participants since July 2017.” The eligibility changes have also been incorporated into the October 2017 Forecast and are estimated to result in 10 fewer admissions to prison per year.

<sup>2</sup> [http://www.oregon.gov/cjc/documents/doc\\_fsap\\_report.pdf](http://www.oregon.gov/cjc/documents/doc_fsap_report.pdf)

### **Short-Term Transitional Leave (Sections 3 & 4)**

HB 3078 increased the maximum amount of time, from 90 days to 120 days, that DOC can grant transitional leave to offenders reentering the community. This change applies to sentences imposed on or after January 1, 2018, so as of the writing of this report there have not yet been any offenders that have received the new 120 day transitional leave. HB 3078 also does not allow transitional leave under certain circumstances including being sentenced under:

- ORS 137.690 (Major Felony Sex Crimes)
- ORS 164.061 (Aggravated Theft 1 from a victim over 65)
- ORS 475.907 (Drug Delivery to a Minor)
- ORS 475.925 and ORS 475.930 (Substantial Drug Quantity Delivery)
- ORS 813.011 (Felony DUII)

The October 2017 Forecast estimates that these new limitations will impact 5% of offenders that would previously have been eligible for transitional leave and prevent them from participating in the program. Overall, the longer duration of transitional leave is estimated to save 58 prison beds by July 2019, with increased savings going forward as the longer duration phases in. The CJC studies recidivism for offenders that participate in this program and the third annual Transitional Leave Recidivism Report is available at the CJC's website.<sup>3</sup>

### **Sentencing and Supervision for Property Offenses (Section 5)**

The sentences for Identity Theft and Theft in the First Degree were changed for offenders sentenced on or after January 1, 2018. Identity Theft and Theft in the First Degree were essentially removed from the sentencing structure created by Measure 57.<sup>4</sup> Due to the effective date, as of the writing of this report, we have not yet seen a change in prison utilization from these sentencing changes but the changes have been factored into the October

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<sup>3</sup> [http://www.oregon.gov/cjc/justicereinvestment/Documents/STTL\\_Analysis\\_Jan\\_2018.pdf](http://www.oregon.gov/cjc/justicereinvestment/Documents/STTL_Analysis_Jan_2018.pdf)

<sup>4</sup> ORS 137.717

2017 Forecast. The Forecast estimates a savings of 26 prison beds for Identity Theft and 35 beds for Theft in the First Degree by July 2019 with increased savings in subsequent biennia.

#### **Justice Reinvestment Supplemental Grant Fund (Sections 7 & 9)**

HB 3078 appropriated \$7 million in grant funds for downward departure prison diversion programs. These funds are distributed to counties through a grant program administered by the CJC with preference given to counties establishing programs after August 2017. CJC created an application and review process and twelve counties were ultimately selected for funding. As of the writing of this report, the first year of funding has been distributed to the twelve selected counties but it is still too early for this new program to affect prison utilization. An estimate of the prison utilization reduction was part of the October 2017 forecast. For the first biennium that estimated savings is 42 prison beds.

#### **Funding for Crime Victims' Services Division (Section 8)**

This \$1 million in funding was added to the money allocated by the legislature for the Oregon Domestic and Sexual Violence Services Fund (ODSVS)<sup>5</sup> for the 2017-19 biennium. Which, resulted in a \$1 million dollar increase in the funding distributed across the state to non-profit domestic and sexual violence services programs. Every county has at least one of these programs. These services also receive funding through other state and federal grants, local contributions and other fundraising.

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<sup>5</sup> More information is available at <https://www.doj.state.or.us/crime-victims/grant-funds-programs/oregon-domestic-and-sexual-violence-services-odsvs-fund/>

## **Conclusion**

The changes from HB 3078 are starting to take effect and the estimated prison bed savings has been included in the Oregon Corrections Population Forecast. CJC will study the ongoing impact on prison utilization, recidivism and public safety as these changes continue to phase in.