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November 4, 2008 General Election

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Initiative 40/Ballot Measure 61

“Creates Mandatory Minimum Prison Sentences For Certain Theft, Identity Theft, Forgery, Drug, And Burglary Crimes”

(FE) Explanatory Statement:

The measure

The measure sets new minimum sentences for certain drug and property crimes. The measure also directs the state to pay local governments for the cost of holding defendants in jail until they are convicted.

State impact

The costs of the measure are due to keeping more criminals in prison for longer periods of time. Those costs include: running prisons, providing temporary prison beds, supervising criminals after they are released from prison, and building more prisons. Other costs include: providing foster care for some children whose parents are convicted of the measure's crimes, providing lawyers for defendants who cannot afford legal counsel, and defending the state against inmates' lawsuits.

The measure will cost between \$8 million to \$10 million in the first year, and increase to between \$161 million and \$274 million per year after the fourth year.

The state will borrow \$1.1 billion to \$1.3 billion from 2010 to 2017 to build new prisons. The state will repay those amounts plus interest of \$709 million to \$844 million over 25 years.

Local impact

The measure does not require additional spending by local government.

The measure requires the state to pay counties for the cost of holding those accused of the measure's crimes in county jails before they are convicted. The state does not currently pay this cost. The state will reimburse the counties for the cost of holding prisoners from \$2 million to \$5 million in the first year and \$10 million to \$19 million each year after that.

Implementing the measure

The current prison population is around 13,600. When the measure is fully implemented, it could add between 4,100 and 6,300 inmates to the prison population, depending on the number of people convicted of crimes under this measure. The total cost of the measure could change

depending on the length of time to build new prisons, inflation, and the cost to hire and train new prison staff.

The measure does not identify a funding source. Today the costs of prisons are paid for out of the General Fund, which comes from income taxes. The General Fund is also used to pay for public education, services for vulnerable citizens, public safety, and other programs.

Certification:

We, the undersigned, hereby certify that, pursuant to ORS 250.125 (6), we have prepared the statement described under "Explanatory Statement."

Secretary of State

Date

State Treasurer

Date

Director, Department of Administrative Service

Date

Director, Department of Revenue

Date

City, County or District Representative

Date