

2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2853 **STATUS:** B-Engrossed
SUBJECT: Requires specified state agencies provide Oregon State Police with minimum information necessary to identify certain persons for purpose of transmitting information to federal government.
GOVERNMENT UNIT AFFECTED: Department of Human Services Psychiatric Security Review Board, Oregon Judicial Department, and Oregon State Police
PREPARED BY: Tim Walker, Laurie Byerly
REVIEWED BY: Laurie Byerly, John Borden and Doug Wilson
DATE: June 22, 2009

	<u>2009-2011</u>	<u>2011-2013</u>
EXPENDITURES: See Comments.		

EFFECTIVE DATE: January 1, 2010

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: This bill requires the Department of Human Services (DHS), the Psychiatric Security Review Board (PSRB) and the Oregon Judicial Department (OJD) to provide information to the Oregon State Police to comply with federal firearms law, which requires states to identify persons prohibited from possessing firearms due to mental health adjudications and commitments. The bill also requires PSRB to receive and conduct hearings on petitions for relief from persons subject to a firearms ban due to a mental health adjudication, commitment, or court order.

The fiscal impact related to information sharing varies by agency, ranging from an estimate of \$75,000 for PSRB to an estimate of \$123,000 for OJD. The actual cost will depend on the agreements established between the agencies, which will define the data elements to be transferred, the transfer process, and system requirements. PSRB will also need additional clerical support for data collection and entry.

Costs associated with the PSRB relief hearings, which can be requested by an individual once every two years, will vary based on the actual number of requested hearings. This work cannot be absorbed within the agency's limited resources. The Board projects it will need close to \$500,000 a biennium and three additional staff to provide policy, legal, and administrative support for the program; this estimate is based on hearing relief petitions one day per month. Since this is a new program, the agency will need to develop administrative rules, establish hearings processes, and complete training for board members. The measure also allows judicial review of PSRB orders and appeal of a trial court's disposition. These provisions have an indeterminate workload and fiscal impact on OJD.

Agencies are not required to comply with provisions of the bill until they have sufficient funding. OSP has applied for a federal grant to help cover most of the costs associated with the bill in the short-term. A funding source for the program long-term has not yet been identified. Once funding is secured, agencies should be able to request any needed expenditure limitation or position authority from the Emergency Board or the Joint Committee on Ways and Means.