

**HB 2836**

**Relating to fitness of youth to proceed on delinquency petition**

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Under current Oregon law, there are no uniform statutory provisions for determining if individuals under the age of 18 are able to aid and assist in their defense. Without aid and assist statutes and restorative services provisions, youth offenders who are not competent to stand trial are often released back into the community without any treatment or supervision. These youths often engage in a pattern of reoffending.

House Bill 2836 establishes standards and procedures for courts to determine whether juveniles in a delinquency petition are fit to proceed, or able to aid and assist in their defense. The bill outlines procedures for raising the issue of fitness, and for written objections. The bill directs the Oregon Health Authority to provide restorative services to youths found unfit to stand trial.

The bill includes a General Fund appropriation in the amount of \$869,386 for the 2013-15 biennium for the Oregon Health Authority to oversee a program to provide restorative services to youths who have been determined unfit to proceed and have been determined by the courts to have the potential to gain or regain fitness to proceed in the foreseeable future. This program includes developing training standards for psychiatrists, licensed psychologists and licensed clinical social workers conducting fitness evaluations.

Your Public Safety Subcommittee recommends HB 2823 be amended and reported out “do pass” as amended.

**77<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2013 Session  
BUDGET REPORT AND MEASURE SUMMARY**

**JOINT COMMITTEE ON WAYS AND MEANS**

**MEASURE: HB 2836-A**

**Carrier – House: Rep. Williamson**

**Carrier – Senate: Sen. Winters**

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**Action:** Do Pass as Amended and be Printed A-Engrossed

**Vote:**

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

**Prepared By:** Kate Nass, Department of Administrative Services

**Reviewed By:** Kim To, Legislative Fiscal Office

**Meeting Date:** June 28, 2013

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Agency

Oregon Health Authority

Biennium

2013-15

**Budget Summary\***

	2011-13 Legislatively Approved Budget <sup>(1)</sup>	2013-15 Current Service Level	2013-15 Committee Recommendation	Committee Change from 2011-13 Leg. Approved	
				\$\$ Change	% Change
General Fund	\$ 0	\$ 0	\$ 869,386	\$ 869,386	100.0%
Total	\$ 0	\$ 0	\$ 869,386	\$ 869,386	100.0%

**Position Summary**

Authorized Positions	0	0	1	1
Full-time Equivalent (FTE) positions	0.00	0.00	0.75	0.75

<sup>(1)</sup> Includes adjustments through December 2012

\* Excludes Capital Construction expenditures

**Summary of Revenue Changes**

House Bill 2836 adds \$869,386 General Fund to the Oregon Health Authority’s budget for the 2013-15 biennium.

**Summary of Public Safety Subcommittee Action**

Currently, Oregon law has no uniform procedure for determining fitness in juvenile proceedings, whether a youth is able to aid and assist in their defense, and does not specify options for the court when a youth is found unfit to proceed. House Bill 2836 codifies the conditions, standards, and procedures for determining if individuals under 18 years of age in a delinquency petition are fit to proceed. The bill outlines the definition of unfit and provides statutory structure and timeliness for raising the issues of fitness, obtaining fitness evaluations, challenging evaluations and administering restorative services in cases involving a person less than 18 years in delinquency petition. The bill also specifies qualifications for evaluators and reporting requirements for evaluations.

The bill requires the Oregon Health Authority (OHA) to formalize and administer the fitness to precede evaluation process, including developing training standards for psychiatrists, licensed psychologists and licensed clinical social workers conducting the evaluations and developing guidelines for conducting evaluations. OHA must also provide courts with a list of qualified evaluators. Additionally, OHA will oversee a program to provide restorative services to youths who have been determined unfit to proceed and have been determined by the courts to have the potential to gain or regain fitness to proceed in the foreseeable future. OHA must provide or arrange for the provision of restorative services within 30 days of receiving a court order. The bill adds \$869,386 General Fund to OHA’s 2013-15 budget and one position (0.75 FTE) to carry out this work.

**DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION**

**HB 2836-A**

**Oregon Health Authority**  
**Kate Nass -- 503-378-3742**

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2011-13 Legislatively Approved Budget at Dec 2012 *	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	0	0.00
2013-15 ORBITS printed Current Service Level (CSL)*	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	0	0.00
<b>SUBCOMMITTEE ADJUSTMENTS (from CSL)</b>									
<b>020-05 Addictions and Mental Health</b>									
Personal Services	\$ 114,667	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 114,667	1	0.75
Services and Supplies	\$ 734,935	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 734,935		
<b>010-50 State Assessments and Enterprise-Wide Costs</b>									
Services and Supplies	\$ 19,784	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 19,784		
<b>TOTAL ADJUSTMENTS</b>	<b>\$ 869,386</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 869,386</b>	<b>1</b>	<b>0.75</b>
<b>SUBCOMMITTEE RECOMMENDATION *</b>	<b>\$ 869,386</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 869,386</b>	<b>1</b>	<b>0.75</b>
% Change from 2011-13 Leg Approved Budget	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%		
% Change from 2013-15 Current Service Level	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%		

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2836**

1 On page 1 of the printed bill, line 3, after the semicolon insert “appro-  
2 priating money;”.

3 On page 7, after line 1, insert:

4 **“SECTION 14. In addition to and not in lieu of any other appropri-  
5 ation, there is appropriated to the Oregon Health Authority, for the  
6 biennium beginning July 1, 2013, out of the General Fund, the amount  
7 of \$869,386 for the purpose of carrying out the duties of the authority  
8 under this 2013 Act.”.**

9 In line 2, delete “14” and insert “15”.

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