



## ALEX CUYLER

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Intergovernmental Relations Manager  
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DATE: March 20, 2017  
TO: House Committee on Judiciary  
RE: HB 2306, relating to defendants lacking fitness to proceed

Chair Barker and Members of the Committee:

Lane County is following issues related to “aid and assist” closely, as we have been identified by the Oregon Health Authority as having courts which sends a significant number of people to the State Hospital in Salem under a so-termed “370 order”. While we are not opposed to this measure outright, it clearly needs additional work before Lane County can offer endorsement.

We have examined HB 2306 and make the following observations which we hope the committee will find useful as it deliberates the merit of this measure.

- A “370” order is a court generated order. The language in section 1 seeking greater information sharing is a step in the right direction. Oregon’s public safety agencies at the state and local level are already reaping the benefits of greater collaboration under Justice Reinvestment and Community Corrections frameworks. Community Mental Health Programs, at least in Lane County, are also engaged. Having OHA engage with these existing collaborations will be very beneficial.
- The change envisioned by HB 2306 to have courts assign aid and assist patients to OHA rather than the Superintendent of the State Hospital appears relatively easy, but in fact is more complicated when it comes to community based treatments. Secure residential community based facilities are licensed only to accept those who are civilly committed. This measure does not address the way to legally getting a 370 committed person into a secure setting, particularly without any kind of evaluation.
- The Oregon Legislature has long been aware of the fiscal challenges that the Oregon State Hospital was experiencing regarding paying for aid and assist patients. SB 5526 (2015) allocated \$4.1M GF for restoration services at the community level. Lane County ultimately received about \$350,000 of that funding for these purposes, and has been able to reduce the average number of cases which are sent to Salem with that funding. However, the Governor’s budget proposal does not include a continuation of these funds, and indeed even the 15-17 funding was inadequate for the need in our communities. As written, HB 2306 will be tough for us to ignore as an unfunded mandate, unless there are specific dollars that are included with this measure.

SUBMITTED ELECTRONICALLY