

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: SB 132 - 2**

79th Oregon Legislative Assembly – 2017 Regular Session  
Legislative Fiscal Office

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

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**Measure Description:**

Provides that procedures applicable to determining fitness to proceed of criminal defendants prior to trial are applicable to defendants alleged to have violated probation or committed contempt of court.

**Government Unit(s) Affected:**

Department of Justice, District Attorneys and their Deputies, Judicial Department, Oregon Health Authority (OHA), Psychiatric Security Review Board, Public Defense Services Commission

**Summary of Expenditure Impact:** See Analysis

**Analysis:**

The measure modifies statutes that establish procedures for determining competency in criminal cases. The measure allows a competency evaluation to be conducted by practitioners in the community and allows the superintendent of the state mental hospital to determine the placement of a defendant that the court has ordered to be committed for the purposes of an examination.

The overall fiscal impact is indeterminate. The measure changes the language regarding the individual conducting an evaluation from a psychiatrist or psychologist in private practice to a certified evaluator in community practice. This may have the effect of narrowing the potential pool of evaluators. Additionally, if a local practitioner cannot be utilized for whatever reason, the court then places these defendants in the Oregon State Hospital (OSH) until such time they can receive an evaluation.

The number of defendants that may be sent to OSH is uncertain. If it involves only a few additional patients at OSH, the hospital generally has some available capacity. However, at some point the hospital no longer has additional capacity and a new ward must be opened, at considerable expense. OSH also notes that additional contracted evaluators would likely be needed at the hospital, as well as additional security staff and repurposing of existing facilities to accommodate additional evaluation rooms. Initial cost estimates provided by OSH comprise \$1.0 million General Fund for two additional security positions, facility repurposing, and contract evaluators.

The Legislative Fiscal Office notes that the fiscal impact will depend on the number of defendants that will be placed at OSH that will need evaluations conducted, and additional resources may be required.

The Judicial Department and Department of Corrections anticipate a minimal fiscal impact as a result of this measure. There is not anticipated to be a fiscal impact to the Public Defense Services Commission, Psychiatric Security Review Board, or Department of Justice.