

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 132 - 3

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 provides options for 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 options include but are not limited to; keeping the defendant at the state mental hospital for a period of observation and evaluation; transporting the defendant to the state mental hospital for examination without admittance; allow the defendant to remain at facility in which they were housed during period of commitment; have the examination done at the facility in which they were housed provided it's appropriate.

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. However, the measure alters current practice and allows defendants committed to the Oregon State Hospital (OSH) for a period not exceeding 30 days.

The overall fiscal impact is indeterminate. The number of additional defendants that may be sent to OSH is uncertain. If it involves only a few additional patients at OSH, as the agency believes, 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.

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.