

FISCAL IMPACT OF PROPOSED LEGISLATION

79th Oregon Legislative Assembly – 2018 Regular Session
Legislative Fiscal Office

Measure: SB 1543 - A

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

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Measure Description:

Directs Attorney General to include, on batterers' intervention program standards advisory committee, psychologist or psychiatrist with relevant experience.

Government Unit(s) Affected:

Counties, Department of Corrections, Oregon State Police, Public Defense Services Commission, Criminal Justice Commission, Psychiatric Security Review Board (PSRB), District Attorneys and their Deputies (DAs), Cities, Oregon Judicial Department (OJD), Oregon Health Authority (OHA), Department of Justice (DOJ)

Summary of Expenditure Impact: See Analysis

Analysis:

The measure includes a number of modifications to public safety statutes, including:

- Changes to the Attorney General's advisory committee for batterers' intervention programs.
- Retention requirements for sexual assault forensic evidence kits by law enforcement and directs the Department of Justice to create informational materials for victims and medical assessment providers.
- Requires health care providers to share the medical records for persons under the jurisdiction of the Psychiatric Security Review Board (PSRB) with the Board.
- Allows a supervising entity, or its designee to issue an order for the return of a person found guilty except for insanity (GEI) and on conditional release to the state hospital or other designated facility. The order is to be executed by a peace officer unless otherwise provided.
- Modifies elements of, and exceptions to, crime involving unlawful operation of an unmanned aircraft system.
- Allows court to vacate conviction for a municipal prostitution ordinance under certain circumstances.
- Prohibits garnishment or similar actions from inmate transitional funds.
- Makes a general condition of probation to follow reasonable recommendations from a risk and needs assessment.
- Permits reduction of a Class B felony possession of a controlled substance conviction to a Class A misdemeanor upon successful completion of probation.

The fiscal impact of the measure is anticipated to be minimal to the Department of Corrections, Department of Justice, Judicial Department, District Attorney's and their Deputies, and local law enforcement. There is no fiscal impact anticipated by the Public Defense Services Commission, Oregon State Police, Psychiatric Security Review Board, or Criminal Justice Commission.

The fiscal impact of the measure is indeterminate to the Oregon State Hospital (OSH). According to the Oregon Health Authority, the terminology within the measure allowing for an order for the return of a person to the state hospital to be issued by a community mental health program director if they believe the person may no longer be fit for conditional release, may result in a higher recidivism rate to the hospital. Currently, OSH reports a recidivism rate for the GEI population overseen by PSRB to be about 20%. The number of individuals that may be returned to the state hospital through the provisions of this measure are unknown. According to PSRB, the intent

of the measure is to allow for individuals that have absconded from supervision to be returned more expediently to the jurisdiction of the appropriate supervising entity by getting them to the state hospital or another facility designated by the supervising entity.