

**FISCAL IMPACT OF PROPOSED LEGISLATION****Measure: SB 763**80th Oregon Legislative Assembly – 2019 Regular Session  
Legislative Fiscal Office***Only Impacts on Original or Engrossed  
Versions are Considered Official***

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Prepared by: Kim To  
Reviewed by: Tom MacDonald, Gregory Jolivet  
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**Measure Description:**

Defines "dangerous to self or others" for purposes of civil commitment proceedings.

**Government Unit(s) Affected:**

Oregon Health Authority (OHA), Public Defense Services Commission (PDSC), Oregon Judicial Department (OJD)

**Summary of Fiscal Impact:**

Costs related to the measure are indeterminate, at this time - See analysis.

**Analysis:**

SB 763 amends statutes to define "dangerous to self or others" for purposes of determining civil commitment status as likely to inflict serious physical harm upon self or another person within the next 30 days. The measure also specifies what factors the court can consider when determining whether the person has a mental illness based on the person being dangerous to self or others, including past incidents of physical harm upon self or another person and how recently the past behavior occurred and the frequency and severity of the past behavior. These provisions would simplify the civil commitment process to the Oregon State Hospital.

**Oregon Health Authority (OHA)**

The fiscal impact of this measure on OHA is indeterminate because the impact on the Aid and Assist population and on the community mental health system cannot be predicted at this time. One of the rationales for this policy change is that a simplified civil commitment process would lead to a reduction in Aid and Assist patients admitted to the Oregon State Hospital. This corresponding reduction in the Aid and Assist population would allow OHA to offset the costs of additional civil commitment patients. However, OHA reports that there is no data to support this correlation. Additionally, an increase in the civil commitment population would likely result in a higher number of individuals receiving treatment through the community mental health system—either after receiving treatment through the Oregon State Hospital or directly after being civilly committed by a court. In terms of OHA's budget, this commitment type often results in a higher use of community mental health services compared to the Aid and Assist patients, which often go to jail after being discharged from the Oregon State Hospital.

According to OHA, if passage of this measure results in more civilly committed individuals admitted to the Oregon State Hospital without a corresponding reduction in the Aid and Assist population, the agency might need to open a new patient unit at the Oregon State Hospital Junction City campus. The estimated fiscal impact of opening a new unit totals \$9.6 million General Fund and 51 positions (38.25 FTE) over 18 months in the 2019-21 biennium and \$12.5 million General Fund and 51 positions (51.00 FTE) over 24 months in the 2021-23 biennium. Similarly, to the extent that an increase in civil commitment patients cannot be served in the Oregon State Hospital, these patients would need to be served through the community mental health system, which OHA supports as a "mandated" caseload with General Fund in the Health Systems Division budget. OHA indicates the General Fund cost to the Health Systems Division for serving this caseload in the community is currently \$7,505 per person per month. At this time, it is not specifically known to what extent the measure would impact the community mental health caseload.

Public Defense Services Commission (PDSC), Oregon Judicial Department (OJD)  
The fiscal impact of this measure on PDSC and OJD is anticipated to be minimal.

This measure warrants a subsequent referral to the Joint Committee on Ways and Means for consideration of its budgetary impact on the State's General Fund.