

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 973**

1 Delete lines 4 through 7 of the printed bill and insert:

2 **“SECTION 1. (1) The Behavioral Health Justice Reinvestment Pro-**  
3 **gram is established in recognition of the shortage of comprehensive**  
4 **community supports and services for individuals with mental health**  
5 **or substance use disorders, leading to their involvement with the**  
6 **criminal justice system, hospitalizations and institutional placements.**  
7 **The purpose of the program is to address this need by awarding grants**  
8 **to counties and Indian tribes to establish evidence-based programs to**  
9 **provide the needed supports and services.**

10 **“(2) The Behavioral Health Justice Reinvestment Grant Review**  
11 **Committee established in section 3 of this 2019 Act shall adopt rules**  
12 **for administering the program, including rules:**

13 **“(a) Identifying the target population of people with frequent**  
14 **criminal justice involvement and behavioral health conditions to be**  
15 **served by the programs funded with the grants;**

16 **“(b) Prescribing a methodology for the committee to review and**  
17 **approve grant applications, subject to the commission’s approval;**

18 **“(c) Establishing program or service outcome measures;**

19 **“(d) Establishing criteria for allowing a grantee to use a grant or**  
20 **a portion of a grant to:**

21 **“(A) Expand the workforce of providers of mental health or sub-**

1 **stance abuse services in the community; or**

2 **“(B) Provide community housing for individuals with mental health**  
3 **or substance use disorders; and**

4 **“(e) Allowing the committee to terminate an agreement with an**  
5 **entity that fails to meet the grant requirements or has been found to**  
6 **have misused funds or committed fraud. The ability to meet the grant**  
7 **requirements may be a consideration in future funding or the amount**  
8 **of funding.**

9 **“(3) The committee shall allocate funds in the Behavioral Health**  
10 **Justice Reinvestment Account established in section 2 of this 2019 Act**  
11 **to grantees. The funds may not be used for a purpose other than the**  
12 **programs providing supports and services for which the grants were**  
13 **awarded.**

14 **“(4) If unallocated funds remain at the conclusion of the grant ac-**  
15 **ceptance period, the committee may establish a supplemental grant**  
16 **period and distribute the unallocated funds to the counties or Indian**  
17 **tribes that received grants.**

18 **“(5) Up to 20 percent of the funds in the account may be used for**  
19 **operating a statewide program to support the design and implementa-**  
20 **tion of community-based services, including but not limited to:**

21 **“(a) Technical assistance to prospective grantees in developing**  
22 **proposals, particularly for developing proposals for supportive housing;**

23 **“(b) Technical assistance to grantees for troubleshooting data col-**  
24 **lection requirements and sharing information with third parties as**  
25 **necessary for carrying out the programs;**

26 **“(c) Statewide training, provided in-person and remotely, for**  
27 **grantees and nongrantees, focused on improving outcomes for the**  
28 **target population;**

29 **“(d) Making resources available to district attorneys and defense**  
30 **attorneys for consultation on cases involving defendants with complex**

1 behavioral health issues;

2 “(e) Developing or strengthening a centralized system to make  
3 available to communities practitioners in professional specialties for  
4 which there is a shortage, including practitioners of addiction medi-  
5 cine and psychiatry; and

6 “(f) A one-time investment in information technology to support  
7 the data system needs for the evaluation, accountability and inno-  
8 vation components of the program.

9 “(6)(a) The committee shall procure and enter into contracts for  
10 goods, services and personal services related to the creation, opera-  
11 tion, maintenance and management of information technology sys-  
12 tems for the purpose of carrying out this section.

13 “(b) The committee shall procure and enter into contracts for  
14 goods, services and personal services related to designing, developing,  
15 conducting, performing and completing research, review, audits, sta-  
16 tistical analyses, investigations, studies, reports and evaluations for  
17 the purpose of carrying out this section.

18 “(7) Five percent of the funds in the account must be used to sup-  
19 port outcome measures or evaluation.

20 “(8) An application for a grant must be submitted by the Indian  
21 tribe or the local public safety coordinating council on behalf of the  
22 county and:

23 “(a) Must include:

24 “(A) Letters of support and commitments from community leaders  
25 or organizations that are not members of the local public safety co-  
26 ordinating council, including but not limited to:

27 “(i) Agencies working with homeless individuals;

28 “(ii) Behavioral health care providers;

29 “(iii) Coordinated care organizations; and

30 “(iv) Local hospitals.

1       **“(B) For applications from counties, a report of the input from the**  
2 **local Indian tribes and, to the extent feasible, an explanation of how**  
3 **the input was incorporated into the design of the program, supports**  
4 **and services.**

5       **“(C) For applications from Indian tribes, a report of the input from**  
6 **the local public safety coordinating council and, to the extent feasible,**  
7 **an explanation of how the input was incorporated into the design of**  
8 **the program, supports and services.**

9       **“(D) An agreement to screen all participants receiving supports and**  
10 **services funded by the grants for potential eligibility for medical as-**  
11 **sistance and to assist eligible participants to apply for medical assist-**  
12 **ance, including an agreement for a process for sharing data and**  
13 **protecting the confidentiality of recipients among the program par-**  
14 **ticipants.**

15       **“(E) A process for program partners, participating jails and hospi-**  
16 **tals to:**

17       **“(i) Provide information upon admission or at intake about the po-**  
18 **tential risks and benefits of tribal notification; and**

19       **“(ii) Offer tribal members the opportunity to disclose their statuses**  
20 **and situations to the Indian tribe of their choosing.**

21       **“(b) May include a request to have more flexibility in using existing**  
22 **state funding to provide supports and services that address the need**  
23 **described in subsection (1) of this section.**

24       **“(9) Annually, grantees shall report to the committee and to the**  
25 **Oregon Health Authority the medical assistance enrollment data in**  
26 **addition to other outcome measures or evaluation metrics collected**  
27 **as part of the grant for participants receiving supports and services**  
28 **provided with funds from the grants.**

29       **“SECTION 2. The Behavioral Health Justice Reinvestment Account**  
30 **is established in the State Treasury, separate and distinct from the**

1 **General Fund. All moneys in the account are continuously appropri-**  
2 **ated to the Behavioral Health Justice Reinvestment Grant Review**  
3 **Committee for the purpose of carrying out section 1 of this 2019 Act.**

4 **“SECTION 3. (1) The Behavioral Health Justice Reinvestment Grant**  
5 **Review Committee is established in the Oregon Criminal Justice**  
6 **Commission consisting of 19 members as follows:**

7 **“(a) The Director of the Oregon Health Authority, or the director’s**  
8 **designee.**

9 **“(b) The Director of the Department of Corrections, or the**  
10 **director’s designee.**

11 **“(c) The Chief Justice of the Supreme Court, or the Chief Justice’s**  
12 **designee.**

13 **“(d) The executive director of the Oregon Criminal Justice Com-**  
14 **mission or the director’s designee.**

15 **“(e) The Director of the Housing and Community Services Depart-**  
16 **ment or the director’s designee.**

17 **“(f) Nine members appointed by the Governor including:**

18 **“(A) A district attorney.**

19 **“(B) An attorney specializing in defense of individuals with mental**  
20 **health or substance use disorders.**

21 **“(C) A chief of police.**

22 **“(D) A county commissioner.**

23 **“(E) A director of a hospital that provides acute mental health**  
24 **treatment.**

25 **“(F) A representative of a community-based mental health treat-**  
26 **ment facility or a practitioner in a community-based mental health**  
27 **treatment facility.**

28 **“(G) A representative of a community-based substance use disorder**  
29 **treatment facility or a practitioner in a community-based substance**  
30 **use disorder treatment facility.**

1       **“(H) A sheriff.**

2       **“(I) A representative of an Indian tribe.**

3       **“(g) One nonvoting member appointed by the President of the Sen-**  
4 **ate from among members of the Senate.**

5       **“(h) One nonvoting member appointed by the Speaker of the House**  
6 **of Representatives from among members of the House of Represen-**  
7 **tatives.**

8       **“(i) Three members of the public that represent the age demo-**  
9 **graphics of the target population.**

10       **“(2) A majority of the voting members of the committee constitutes**  
11 **a quorum for the transaction of business.**

12       **“(3) The directors of the Oregon Criminal Justice Commission and**  
13 **the Oregon Health Authority or their designees shall serve as**  
14 **cochairpersons.**

15       **“(4) If there is a vacancy for any cause, the appointing authority**  
16 **shall make an appointment to become effective immediately.**

17       **“(5) The committee shall meet at times and places specified by the**  
18 **call of the chairperson or a majority of the voting members of the**  
19 **committee.**

20       **“(6) The Oregon Criminal Justice Commission shall provide staff**  
21 **support to the committee.**

22       **“(7) Legislative members of the committee shall be entitled to pay-**  
23 **ment of compensation and expenses under ORS 171.072, payable from**  
24 **funds appropriated to the Legislative Assembly.**

25       **“(8) Members of the committee who are not members of the Legis-**  
26 **lative Assembly are not entitled to compensation but may be reim-**  
27 **bursed for actual and necessary travel and other expenses incurred by**  
28 **the member in the performance of the member’s official duties in the**  
29 **manner and amount provided in ORS 292.495.**

30       **“(9) All agencies of state government, as defined in ORS 174.111, are**

1 directed to assist the committee in the performance of the duties of  
2 the committee and, to the extent permitted by laws relating to  
3 confidentiality, to furnish information and advice that the members  
4 of the committee consider necessary to perform their duties.

5 **“SECTION 4. (1) The Behavioral Health Justice Reinvestment Grant**  
6 **Review Committee established in section 3 of this 2019 Act shall ad-**  
7 **minister the Behavioral Health Justice Reinvestment Program estab-**  
8 **lished in section 1 of this 2019 Act, in consultation with the Oregon**  
9 **Health Authority.**

10 **“(2) The committee shall be responsible for approving grant appli-**  
11 **cations and for distributing the grant moneys in accordance with rules**  
12 **adopted by the committee under section 1 of this 2019 Act. The com-**  
13 **mittee shall designate a percentage of the funds to be set aside and**  
14 **awarded to at least one Indian tribe.**

15 **“(3) The committee may advocate to state agencies on behalf of**  
16 **grantees to reduce the administrative burden of grants with similar**  
17 **goals, services and activities as those in the Behavioral Health Justice**  
18 **Reinvestment Program.**

19 **“(4) The committee shall develop additional financial requirements**  
20 **for a grantee’s use of funds as described in subsection (3) of this sec-**  
21 **tion.**

22 **“(5) The committee may determine funding priorities based on the**  
23 **results of the outcome measures or the evaluation tools established**  
24 **by the quality improvement subcommittee. The subcommittee shall**  
25 **develop technical assistance and training strategies to support the**  
26 **grantees in meeting the grant outcome measurement requirements.**

27 **“(6) The committee shall establish partnerships with appropriate**  
28 **agencies and other entities to ensure that the information technology**  
29 **infrastructure is sufficient to efficiently collect and analyze program**  
30 **data and to transfer data as needed. To the greatest extent practica-**

1 ble, the committee shall use existing information technology systems  
2 and staff expertise.

3 **“SECTION 5. The Behavioral Health Justice Reinvestment Grant**  
4 **Review Committee shall establish a quality improvement subcommit-**  
5 **tee to:**

6 **“(1) Establish outcome measures or evaluation tools for programs**  
7 **receiving grants under the Behavioral Health Justice Reinvestment**  
8 **Program;**

9 **“(2) Establish a statewide system for tracking simple, clear and**  
10 **meaningful outcome data that is timely and easily accessed to inform**  
11 **best practices and improve outcomes for individual participants; and**

12 **“(3) Establish or utilize an existing institutional review board to**  
13 **ensure that data collected is handled appropriately and is maintained**  
14 **in compliance with state and federal privacy laws.**

15 **“SECTION 6. As used in sections 1 to 6 of this 2019 Act:**

16 **“(1) ‘Comprehensive community supports and services’ includes:**

17 **“(a) Community-based mental health or substance use disorder**  
18 **treatment programs;**

19 **“(b) Community-based services necessary to restore a defendant’s**  
20 **fitness to proceed, as described in ORS 161.370 (2)(a);**

21 **“(c) Evidence-based programs designed to reduce hospital and jail**  
22 **utilization by target populations; and**

23 **“(d) Programs aimed at diverting individuals with nonperson crim-**  
24 **inal charges experiencing mental illness or substance use disorders**  
25 **from the criminal justice system.**

26 **“(2) ‘County’ includes a single county or a regional consortium of**  
27 **counties.**

28 **“SECTION 7. (1) At least once per biennium, the Behavioral Health**  
29 **Justice Reinvestment Grant Review Committee shall, in conjunction**  
30 **with the Oregon Health Authority, identify:**



1       “(a) The costs to state government that were avoided as a result  
2 of the Behavioral Health Justice Reinvestment Program established in  
3 section 1 of this 2019 Act; and

4       “(b) Any increased costs to local governments as a result of the  
5 program.

6       “(2) No later than January 1 of each odd-numbered year, the com-  
7 mittee shall submit a report to the Legislative Assembly, in the man-  
8 ner provided by ORS 192.245, that includes the costs described in  
9 subsection (1) of this section and describes the methodology employed  
10 by the committee in determining the costs.

11       “(3) Annually, the committee shall submit a report, in the manner  
12 provided in ORS 192.245, on the outcome measures or the results of  
13 evaluations of the program to the interim committees of the Legisla-  
14 tive Assembly related to health and the judiciary and to the Governor.

15       “SECTION 8. (1) The Behavioral Health Justice Reinvestment Grant  
16 Review Committee established in section 3 of this 2019 Act shall ad-  
17 minister a program in which Oregon counties, Indian tribes or re-  
18 gional consortia of counties or Indian tribes may apply to the  
19 committee for state funds for the investments made by the counties,  
20 Indian tribes or consortia in comprehensive community supports and  
21 services for the target population of the Behavioral Health Justice  
22 Reinvestment Program, for the purpose of enhancing or sustaining the  
23 supports and services.

24       “(2) The committee shall establish priorities for the funds based on  
25 specified factors such as the size of the population of a county, the  
26 utilization of the Oregon State Hospital by the residents of the county  
27 and the availability of housing units.

28       “(3) The committee may provide enhanced funds to encourage re-  
29 gional program projects.

30       “(4) The local investments matched by state funds may not be used

1 to supplant existing sources of funding that could be used to provide  
2 supports and services to the target population, including but not lim-  
3 ited to:

4 “(a) Medical assistance funding;

5 “(b) Federal grants;

6 “(c) Local funding;

7 “(d) State grants or other state funding; or

8 “(e) Other third-party sources of funding to reimburse the cost of  
9 the supports and services.

10 “(5) The county, tribal or regional investment used to leverage a  
11 state match may include:

12 “(a) County government or tribal funds.

13 “(b) Financial commitments by entities other than counties or  
14 tribes that are specifically designated for providing Behavioral Health  
15 Justice Reinvestment Program supports and services.

16 “(c) The value of newly dedicated or donated real estate or other  
17 tangible property, including but not limited to:

18 “(A) Land;

19 “(B) Buildings;

20 “(C) Remodeling costs that address the needs identified by the Be-  
21 havioral Health Justice Reinvestment Program;

22 “(D) Donated program space;

23 “(E) Vehicles; or

24 “(F) Interest on loans specific to housing, treatment facilities or  
25 related construction for the target population.

26 “SECTION 9. The Behavioral Health Justice Reinvestment Grant  
27 Review Committee and the Oregon Health Authority shall jointly ad-  
28 minister a pilot project providing technical assistance and perform-  
29 ance incentives to coordinated care organizations that:

30 “(1) Test new strategies to reduce the involvement in the criminal

1 **justice system and improve the health outcomes of members of the**  
2 **coordinated care organization:**

3 **“(a) Who are in the target population of the Behavioral Health**  
4 **Justice Reinvestment Program established in section 1 of this 2019 Act;**  
5 **and**

6 **“(b) Whose inadequately treated mental illness or substance use**  
7 **disorder is a primary driver of the member’s involvement in the**  
8 **criminal justice system.**

9 **“(2) Agree to accept financial responsibility for primary and be-**  
10 **havioral health care provided in one or more jails in this state.”.**

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