

SB 579 -2, -3 STAFF MEASURE SUMMARY

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Prepared By: Channa Newell, Counsel

Meeting Dates: 3/31, 4/6

WHAT THE MEASURE DOES:

Directs Oregon Public Guardian and Conservator to develop program to provide guardianship services to defendants who have been determined unfit to proceed and who may be or have been released into the community. Requires prioritization of defendants who are at high risk of suffering serious harm following release, for whom the court has found or is likely to find is unable to gain or regain capacity to stand trial, or who are at high risk of reoffending. Allows determination of eligibility to participate at any time after defendant's fitness to proceed is called into question. Requires Public Guardian to work in collaboration and coordination with district attorneys, community mental health programs, and facilities housing defendants. Provides Public Guardian with access to defendant's records. Allows court to appoint temporary guardian for person defendant. Appropriates \$1.7 million for program. Becomes operative January 1, 2022. Takes effect 91 days after adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Removes term "community restoration."

-3 Removes term "community restoration." Removes prioritization of eligible defendants. Specifies that participants in program must satisfy the requirements for public guardian and conservator services.

BACKGROUND:

In 2014, the Oregon Public Guardian and Conservator (OPGC) was established within the Office of Long Term Care Ombudsman. The OPGC is tasked with providing guardianship and conservatorship services for persons who do not have relatives or friends willing or able to provide those services and who lack the resources to hire a professional fiduciary. If a criminal defendant is determined unable to aid in their own defense, the criminal proceeding against the defendant is suspended until such time as the defendant has gained or regained their fitness to proceed. In some instances, the defendant is released into the community.

Senate Bill 579 requires the Oregon Public Guardian and Conservator establish a program to provide guardianship services to defendants unable to aid and assist in their own defense and who have been or will be released into the community. Priority is given to defendants who are at high risk of suffering serious harm following release, defendants the court has found, or is likely to find, is unable to gain or regain capacity to stand trial, or defendants at high risk of reoffending. SB 579 appropriates \$1.7 million for the program.