

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 578 - A

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

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

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Measure Description:

Requires court, under certain circumstances, to appoint legal counsel for respondent or protected person in protective proceeding.

Government Unit(s) Affected:

Criminal Justice Commission (CJC), Oregon Judicial Department (OJD), Counties, Public Defense Services Commission (PDSC)

Summary of Fiscal Impact:

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

Analysis:

SB 578 establishes a pilot program in three counties to provide counsel for persons in protective proceedings provided certain conditions. The measure specifies the payment of attorney fees should come from the protected person, if that person’s estate is sufficient to cover that expense and provides for the appointment of counsel at state expense for qualifying individuals. The measure also the Oregon Judicial Department to report before September 15, 2024 and annually thereafter to the Legislative Assembly. The pilot program takes effect on January 2, 2022 in Multnomah County and Lane County, and January 2, 2023 in Columbia County. It takes effect in any other county on or after January 2, 2024.

The Public Defense Services Commission anticipates a fiscal impact from this measure, but it is indeterminate at this time. In cases where the court determines that the protected person is financially eligible for appointed counsel at state expense, the Office of Public Defense Services (OPDS) is responsible for that cost. There are currently 3,696 open protective proceedings cases in Multnomah, Lane, and Columbia Counties, and these counties have a combined 498 cases filed each year. Based on these data OPDS believes that this measure will have a General Fund fiscal impact but cannot calculate that amount at this time.

The Oregon Judicial Department (OJD) anticipates a minimal fiscal impact from this measure from expanding and formalizing the attorney appointment processes, as well as likely increased data collection and reporting costs. OJD cannot quantify the impact at this time but believes that the overall impact of this measure will be minimal and may be absorbed within the department’s existing resources.

The Criminal Justice Commission does not anticipate a fiscal impact from this measure.

The fiscal impact to the counties is indeterminate.