

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 205 - 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:

Authorizes court to commit person to state hospital or secure mental health facility during pendency of petition to commit person as extremely dangerous person with mental illness.

Government Unit(s) Affected:

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

Summary of Fiscal Impact:

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

Analysis:

SB 205 - A permits a district attorney to petition the court to initiate commitment proceedings if there is reason to believe a person is an extremely dangerous person with mental illness; the venue is to be the county in which the person lives or is alleged to have committed a qualifying act.

If a person is committed to the Oregon State Hospital (OSH) under the provisions of statute regarding fitness to proceed, and OSH intends to discharge the person, then the district attorney may provide notice to the OSH superintendent of their intention to file a petition. The court may order that a person be committed to the custody of the superintendent of the state hospital or director of a secure mental health facility while the petition is pending. The measure outlines various timelines and requirements for when a person is held at a secure facility that is not OSH or a secure mental health facility, such as a jail or prison; and courses of action if a person is committed to a state hospital by the court.

OHA notes an indeterminate impact as a result of this measure due to the unknown impact it might have on the admission of individuals who are mandated to receive mental health treatment as a result of court action to non-state secure mental health facilities. While the extent of any changes in these admissions is currently unknown and could potentially be minimal, OHA would be responsible for funding an increase in these types of cases. Likewise, the measure could increase admissions to, or length of stay for patients in, the Oregon State Hospital, which could result in costs due to existing capacity constraints.

There is minimal fiscal impact for the Oregon Judicial Department, Department of Justice, and Psychiatric Security Review Board, and no fiscal impact for the Public Defense Services Commission.