

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 579 - 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:

Directs Oregon Public Guardian and Conservator to develop and administer a community restoration program for providing guardianship services to defendants who are unable to aid and assist in their defense and who will be released into community.

Government Unit(s) Affected:

Oregon Judicial Department (OJD), Cities, Counties, Long Term Care Ombudsman (LTCO), Oregon Health Authority (OHA)

Summary of Fiscal Impact:

Costs related to the measure may require budgetary action - See analysis.

Analysis:

SB 579 - A directs the Oregon Public Guardian and Conservator to develop and administer a program to provide guardianship services to defendants whose criminal cases may have been suspended or discharged under ORS 161.370, which is related to determination of fitness to proceed. The program is to prioritize defendants who are at a high risk of suffering serious harm once released into the community; who are unlikely to gain or regain the capacity to stand trial; or, who are at high risk of reoffending and reentering the ORS 161.370 process. The Oregon Public Guardian and Conservator is to collaborate and coordinate with district attorneys and community mental health programs and facilities in which defendants are housed.

This measure includes a \$1,696,450 General Fund appropriation to implement this program. Monies are to be deposited in the Oregon Public Guardian and Conservator Fund, an existing fund which is separate and distinct from the General Fund. This measure is operative January 1, 2022, and takes effect on the 91st day after the Legislative Assembly adjourns sine die.

The Long Term Care Ombudsman (LTCO) estimates that there are currently 200 - 300 people who would meet the criteria established by this measure, and that roughly 12 to 18 new positions would be required to provide guardianship services to this entire population. Given that this is a new program, however, LTCO anticipates establishing six new permanent, full-time positions which provides capacity to provide guardianship services to approximately 100 people. The six new positions include five Program Analyst 2s (Deputy Public Guardians) to provide direct services to clients; and one Program Analyst 1, to provide screening and intake of new clients and other support for the Deputy Public Guardians.

Once LTCO is better able to determine the unmet need for this program, it is likely that additional positions will be requested through the 2023-25 budget development process in order to expand services to additional clients. LTCO also anticipates that it may take some time for the initial caseload capacity to be reached as the agency will need to establish a referral process; work with entities such as county mental health programs, District Attorneys, and the Oregon State Hospital on how to make referrals; and with the understanding that it may take time for clients to be referred to this program.

This measure includes a General Fund appropriation of \$1,696,450. This number is based on LTCO's estimate of the cost to hire six new positions, position-related Services and Supplies, and additional Attorney General costs related to the new caseload. This measure aligns with Policy Option Package 103 (Guardianship Services for Oregon's Most Vulnerable Adults) which was included in the LTCO 2021-23 agency budget.

The Legislative Fiscal Office notes that the fiscal impact of this measure is assumed at \$1,696,450 General Fund as that is the appropriation provided by the measure. However, this amount was calculated on the assumption that all six new positions and related costs would begin July 1, 2021. Because this measure is operative January 1, 2022, and takes effect on the 91st day after the Legislative Assembly adjourns sine die, positions will need to be phased in later in the 2021-23 biennium; so actual costs to implement this program are likely to be less than the amount provided by this measure. Further analysis is needed of when new positions under this measure should be phased in.

There is no or minimal impact on Cities, Counties, the Department of Justice, Oregon Judicial Department, or Oregon Health Authority.

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