

## FISCAL IMPACT OF PROPOSED LEGISLATION

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

Measure: SB 295 - B

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

---

Prepared by: Libby Chamberlin  
Reviewed by: Tom MacDonald, Julie Neburka, John Borden, Laurie Byerly  
Date: May 25, 2021

---

### **Measure Description:**

Defines terms related to fitness to proceed.

### **Government Unit(s) Affected:**

Oregon Youth Authority (OYA), District Attorneys and their Deputies (DAs), Department of Corrections (DOC), Department of Justice (DOJ), Public Defense Services Commission (PDSC), Oregon Judicial Department (OJD), Cities, Oregon Health Authority (OHA)

### **Summary of Fiscal Impact:**

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

### **Summary of Expenditure Impact:**

See analysis.

### **Analysis:**

SB 295 defines terminology around the fitness of a criminal defendant to stand trial, expanding upon changes made in SB 24 (2019). The measure modifies criteria for committing a defendant to a mental hospital in order to be evaluated for fitness to stand trial and requires the court to find that the defendant requires hospital level of care due to public safety concerns or acuity of symptoms of the defendant's mental disorder, and that appropriate community restoration services are not provided before committing a defendant to the state hospital.

#### The Oregon Health Authority

The Oregon Health Authority estimates an indeterminate fiscal impact from this measure. The changes that the measure makes may result in defendants in some cases being sent to Oregon State Hospital (OSH) because of their due process rights. While this bill is not intended to result in additional commitments to OSH, the current OSH operational environment does not have room to accommodate an influx of new commitments should they occur. There is a possibility that OSH will either need to open additional units (if available) or admit patients based upon legal mandate if new commitments result.

#### Department of Justice

The fiscal impact to the Department of Justice (DOJ) is indeterminate. DOJ estimates that if this measure results in more individuals being civilly committed, and if OSH then tries to recommit those individuals after 180 days in their care, then DOJ may have to process a greater number of recommitment cases. DOJ estimates that the measure might require the General Counsel Division to hire a permanent part-time Senior Assistant Attorney General (0.44 FTE during the 2021-2023 biennium and 0.50 FTE during the 2023-2025 biennium to provide administrative support and coordination with criminal justice and mental health system partners, and criminal court appearances on behalf of OSH. DOJ anticipates that this position would cost \$201,854 (Other Funds from billings to OHA) in the 2021-2023 biennium and \$234,327 (Other Funds from billings to OHA) in the 2023-2025 biennium. If this measure results in more people being civilly committed, it may further increase the workload for DOJ staff, but this and any associated costs are speculative at this time.

Oregon Judicial Department

The Oregon Judicial Department anticipates a minimal fiscal impact from this measure.

Cities, Counties

Counties report an indeterminate fiscal from this measure.

The Oregon Youth Authority, District Attorneys and their Deputies, Department of Corrections and the Public Defense Services Commission do not anticipate a fiscal impact from this measure.