

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 198 - 2

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

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

Prepared by: Tim Walker
Reviewed by: John Borden, Paul Siebert
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Measure Description:

Directs Department of Public Safety Standards and Training to study public safety and to submit findings and recommendations for legislation to interim committee of Legislative Assembly related to judiciary.

Government Unit(s) Affected:

Department of Administrative Services (DAS), Oregon Judicial Department (OJD), Public Defense Services Commission (PDSC), Department of Justice (DOJ)

Summary of Fiscal Impact:

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

Summary of Expenditure Impact:

See Analysis.

Analysis: This measure with the -2 amendment amends ORS 30.285. It adds a new subsection, 7(b), to state that a person who contracts with a public body to provide services under ORS 161.365 and 161.370 for purposes of community restoration or to restore fitness to proceed is included as a state officer, employee or agent under the Oregon Tort Claim Act.

The measure as amended is expected to reduce or relieve county community mental health programs of liability for providing services to individuals found unable to aid & assist court proceedings and orders for community restoration.

The Department of Administrative Services (DAS), Risk Management Division estimates that there will be an increase in the number of contractors eligible to be covered under the provisions of this measure, as liability is shifted to the State. While acknowledging a lack of experience with claims of this type, DAS Risk estimates an upper estimate of millions in potential claims depending upon the number of covered incidents.

The Department of Justice, Oregon Judicial Department, and Public Defense Services Commission do not anticipate a fiscal impact due to this bill.