

**FISCAL IMPACT OF PROPOSED LEGISLATION****Measure: SB 380 - A**

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

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

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**Measure Description:**

Requires the Oregon Public Guardian and Conservator to develop and administer a program to provide guardianship services to defendants whose criminal cases may be or have been suspended or dismissed.

**Government Unit(s) Affected:**

Counties, District Attorneys, Oregon Health Authority, Psychiatric Security Review Board, Public Defense Services Commission, Judicial Department

**Summary of Fiscal Impact:**

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

**Analysis:**

The measure appropriates \$1.7 million General Fund to the Oregon Public Guardian and Conservator (OPGC), within the Long Term Care Ombudsman (LTCO), for the 2023-25 biennium and requires the monies to be deposited into the Oregon Public Guardian and Conservator Fund. The measure requires OPGC to develop and administer a program that provides guardianship services to defendants whose criminal cases may be or have been suspended or dismissed by a determination of fitness to proceed. These provisions are effective January 1, 2024. The measure authorizes OPGC to act before the operative date and the measure is effective on the 91st day after sine die.

LTCO anticipates the fiscal impact of the measure is \$1.4 million General Fund and six positions (4.50 FTE) for the 2023-25 biennium. If the funding were to be re-appropriated in the following biennium, the agency estimates \$1.8 million General Fund and six positions (6.00 FTE) in 2025-27. LTCO reports within current resources, the agency has capacity to serve 160-175 clients, however, LTCO anticipates reaching full capacity by April of 2023 and if this measure becomes law, there will be a minimum of 80 additional cases.

The agency is requesting an additional six positions which include four Program Analyst 3 (Deputy Public Guardians) to provide direct services to the increase in clients, one Program Analyst 1 to provide administrative support, and one Compliance/Regulatory Manager 2 to supervise the increase in Deputy Public Guardians and workload.

LFO notes that the measure does not include Other Funds expenditure limitation to allow LTCO to expend the \$1.7 million General Fund from the Oregon Public Guardian and Conservator Fund. The measure also does not identify LTCO as the state agency to which the General Fund appropriation and instead identifies only the Oregon Public Guardian and Conservator.

There is a minimal impact for the Oregon Judicial Department and counties. There is no fiscal impact for the Public Defense Services Commission, Oregon Health Authority, Psychiatric Security Review Board, or District Attorneys.

This measure requires a subsequent referral to the Joint Committee on Ways and Means for consideration of its budgetary impact on the State's General Fund.