

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 528 - A

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

Prepared by: Emily Coates
Reviewed by: Amanda Beitel, Gregory Jolivette, Steve Robbins, John Borden
Date: 4/6/2023

Measure Description:

Directs the public defense services executive director to contract with the designated advocacy system to provide services persons in protective proceedings.

Government Unit(s) Affected:

District Attorneys, Long Term Care Ombudsman, Department of Justice, Oregon Health Authority, Department of Human Services, Counties, Judicial Department, Public Defense Services Commission

Summary of Fiscal Impact:

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

Analysis:

The measure requires the public defense services executive director to contract with the designated advocacy system to provide legal services to respondents and protected persons in protective proceedings, and to provide education services to courts and visitors regarding the rights of respondents and protected persons to court-appointed counsel in protective proceedings. The measure requires the contract to include at least three qualified attorneys to provide court appointed counsel services, establish the professional qualifications for court-appointed counsel, provide training to visitors and courts regarding the right to court-appointed counsel for respondents and protected persons in protective proceedings, and develop a form of notice, regarding the right to court appointed counsel for respondents and protected persons in protective proceedings.

In addition, the measure directs the Public Defense Services Commission to review and approve the contract. The measure modifies the reporting requirements for the Oregon Judicial Department when reporting on county-level data concerning protective proceedings in Multnomah, Lane, and Columbia Counties. The measure expands the circumstances when the court shall appoint counsel for the respondent or protected person to three counties (Multnomah, Lane, and Columbia). The measure declares an emergency and is effective upon passage.

Public Service Defense Commission (PDSC)

Under the measure, PDSC reports that the agency would contract for protective hearings in three counties at a 2023-25 cost of \$1.2 million General Fund and \$1.2 million General Fund for the 2025-27 biennium. The contracting would stipulate that the contracting agent would be responsible for determining attorney qualifications, training, and assignments.

Oregon Health Authority (OHA)

OHA anticipates the fiscal impact for the Oregon State Hospital is \$311,040 General Fund in each of 2023-25 and 2025-27. OHA reports that the measure specifies the circumstances of who shall receive appointed counsel and that the agency currently has 36 patients that would be eligible to receive additional hearings, resulting in \$311,040 per biennium in additional costs.

Oregon Judicial Department (OJD)

OJD reports that the overall fiscal impact of the measure is indeterminate. The largest impact to the department is the additional reporting requirements. OJD reports that the agency would need to develop a process and

implement a database to track the number of protective proceedings where the respondent is a person with a developmental or intellectual disability, has a physical disability and was under 65 years of age at the time the petition was filed, or has a mental illness. In addition, OJD is unable to estimate the number of respondent or protected persons that would require additional hearings and staff training.

Other Agencies

There is a minimal impact for the Department of Human Services and counties and no fiscal impact for the Department of Justice, Long Term Care Ombudsman, and District Attorneys.

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