

Requested by Senators LINTHICUM, THATCHER

**PROPOSED MINORITY REPORT AMENDMENTS TO
SENATE BILL 528**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the
2 rest of the line and delete lines 3 through 5 and insert “and prescribing an
3 effective date.”.

4 Delete lines 7 through 32 and delete pages 2 through 29 and insert:

5 **“SECTION 1. The Oregon Criminal Justice Commission, in consul-**
6 **tation with disability rights advocates, shall study the provisions of**
7 **the printed amendments to Senate Bill 528 dated ___ (SB 528-2). The**
8 **commission shall submit a report in the manner provided by ORS**
9 **192.245 to the interim committees of the Legislative Assembly related**
10 **to the judiciary no later than January 1, 2024. The report must address**
11 **all of the following:**

12 **“(1) Any financial impacts the provisions of the Senate Bill 528-2**
13 **amendments would have on guardianships and conservatorships.**

14 **“(2) Whether the provisions of the Senate Bill 528-2 amendments**
15 **would create a crisis for probate courts in this state.**

16 **“(3) Whether the provisions of the Senate Bill 528-2 amendments**
17 **would discourage parties from serving as fiduciaries in protective**
18 **proceedings due to excessive expenses associated with such service.**

19 **“(4) Whether the provisions of the Senate Bill 528-2 amendments**
20 **would result in a reduction in willing and available professional**
21 **fiduciaries to serve as guardians in protective proceedings.**

1 “(5) Whether the provisions of the Senate Bill 528-2 amendments
2 would increase the likelihood of trapping more people in hospitals who
3 cannot be discharged without a guardian.

4 “(6) Whether the provisions of the Senate Bill 528-2 amendments
5 lack any necessary legal structure to implement supported decision-
6 making.

7 “(7) Whether the notice requirements in the provisions of the Sen-
8 ate Bill 528-2 amendments are indicative of an underfunded and failing
9 program to appoint attorneys for respondents in protective pro-
10 ceedings that is currently only operational in only a handful of coun-
11 ties.

12 “(8) Whether the provisions of the Senate Bill 528-2 amendments
13 increase the strain created on the already over-taxed, over-burdened
14 pool of court visitors.

15 “(9) Whether the provisions of the Senate Bill 528-2 amendments
16 would contribute to logistical problems and add a burden on the courts
17 in counties in which parties currently secure the services of court
18 visitors from court-approved lists.

19 “(10) Whether the provisions of the Senate Bill 528-2 amendments
20 would create a significant psychological and financial barrier for a
21 protected person by requiring review of the guardian’s report.

22 “(11) Whether the provisions of the Senate Bill 528-2 amendments
23 would create redundant requests, as professional fiduciaries are al-
24 ready required by professional ethics to consider less restrictive alter-
25 natives.

26 “SECTION 2. Section 1 of this 2023 Act is repealed on January 2,
27 2024.

28 “SECTION 3. This 2023 Act takes effect on the 91st day after the
29 date on which the 2023 regular session of the Eighty-second Legislative
30 Assembly adjourns sine die.”.

