

SB 579 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary and Ballot Measure 110 Implementation

Action Date: 04/07/21

Action: Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

Vote: 4-3-0-0

Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski

Nays: 3 - Heard, Linthicum, Thatcher

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

Meeting Dates: 3/31, 4/7

WHAT THE MEASURE DOES:

Directs Oregon Public Guardian and Conservator to develop program to provide guardianship services to defendants who have been determined unfit to proceed and who may be or have been released into the community. Requires defendants to meet eligibility criteria for public guardianship services. Requires Public Guardian to work in collaboration and coordination with district attorneys, community mental health programs, and facilities housing defendants. Provides Public Guardian with access to defendant's records. Allows court to appoint temporary guardian for defendant. Appropriates approximately \$1.7 million for program. Becomes operative January 1, 2022. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Examples of guardianship reducing person's contact with courts and law enforcement
- Current services provided by Oregon Public Guardian
- Protection of rights of persons unable to aid and assist in own defense and in guardianship

EFFECT OF AMENDMENT:

Removes term "community restoration." Removes prioritization of eligible defendants. Specifies that participants in program must satisfy the requirements for public guardian and conservator services.

BACKGROUND:

In 2014, the Oregon Public Guardian and Conservator (OPGC) was established within the Office of Long Term Care Ombudsman. The OPGC is tasked with providing guardianship and conservatorship services for persons who do not have relatives or friends willing or able to provide those services and who lack the resources to hire a professional fiduciary. If a criminal defendant is determined unable to aid in their own defense, the criminal proceeding against the defendant is suspended until such time as the defendant has gained or regained their fitness to proceed. In some instances, the defendant is released into the community.

Senate Bill 579 A requires the Oregon Public Guardian and Conservator establish a program to provide guardianship services to defendants unable to aid and assist in their own defense and who have been or will be released into the community. Senate Bill 579 A appropriates approximately \$1.7 million for the program.