

Minority Report
A-Engrossed
Senate Bill 528

Ordered by the Senate April 19
Including Senate Minority Report Amendments dated April 19

Sponsored by nonconcurring members of the Senate Committee on Judiciary: Senators LINTHICUM, THATCHER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Modifies provisions relating to protective proceedings.]

Requires Oregon Criminal Justice Commission, in consultation with disability rights advocates, to study provisions of printed amendments to Senate Bill 528 dated April 19, 2023 (SB 528-2). Directs commission to submit findings to interim committees of Legislative Assembly related to judiciary not later than January 1, 2024.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to protective proceedings; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. The Oregon Criminal Justice Commission, in consultation with disability**
5 **rights advocates, shall study the provisions of the printed amendments to Senate Bill 528**
6 **dated April 19, 2023 (SB 528-2). The commission shall submit a report in the manner provided**
7 **by ORS 192.245 to the interim committees of the Legislative Assembly related to the judiciary**
8 **no later than January 1, 2024. The report must address all of the following:**

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

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

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

16 (4) **Whether the provisions of the Senate Bill 528-2 amendments would result in a re-**
17 **duction in willing and available professional fiduciaries to serve as guardians in protective**
18 **proceedings.**

19 (5) **Whether the provisions of the Senate Bill 528-2 amendments would increase the like-**
20 **lihood of trapping more people in hospitals who cannot be discharged without a guardian.**

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

23 (7) **Whether the notice requirements in the provisions of the Senate Bill 528-2 amend-**
24 **ments are indicative of an underfunded and failing program to appoint attorneys for re-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 spondents in protective proceedings that is currently only operational in only a handful of
2 counties.

3 (8) Whether the provisions of the Senate Bill 528-2 amendments increase the strain cre-
4 ated on the already over-taxed, over-burdened pool of court visitors.

5 (9) Whether the provisions of the Senate Bill 528-2 amendments would contribute to lo-
6 gistical problems and add a burden on the courts in counties in which parties currently se-
7 cure the services of court visitors from court-approved lists.

8 (10) Whether the provisions of the Senate Bill 528-2 amendments would create a signif-
9 icant psychological and financial barrier for a protected person by requiring review of the
10 guardian's report.

11 (11) Whether the provisions of the Senate Bill 528-2 amendments would create redundant
12 requests, as professional fiduciaries are already required by professional ethics to consider
13 less restrictive alternatives.

14 SECTION 2. Section 1 of this 2023 Act is repealed on January 2, 2024.

15 SECTION 3. This 2023 Act takes effect on the 91st day after the date on which the 2023
16 regular session of the Eighty-second Legislative Assembly adjourns sine die.

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