

SENATE MINORITY REPORT AMENDMENTS TO SENATE BILL 528

By Nonconcurring Members of COMMITTEE ON JUDICIARY

April 19

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

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

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**
12 **for probate courts in this state.**

13 **“(3) Whether the provisions of the Senate Bill 528-2 amendments would discourage par-**
14 **ties from serving as fiduciaries in protective proceedings due to excessive expenses associ-**
15 **ated 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**
20 **likelihood 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-**
25 **spondents in protective proceedings that is currently only operational in only a handful of**
26 **counties.**

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

29 **“(9) Whether the provisions of the Senate Bill 528-2 amendments would contribute to lo-**
30 **gistical problems and add a burden on the courts in counties in which parties currently se-**
31 **cur the services of court visitors from court-approved lists.**

32 **“(10) Whether the provisions of the Senate Bill 528-2 amendments would create a signif-**
33 **icant psychological and financial barrier for a protected person by requiring review of the**
34 **guardian’s report.**

