

**HB 2005 B BUDGET REPORT and MEASURE SUMMARY**

**Carrier:** Rep. Marsh

**Joint Committee On Ways and Means**

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**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

**House Vote**

**Yeas:** 7 - Bowman, Evans, Gomberg, Levy E, Ruiz, Sanchez, Valderrama

**Nays:** 3 - Breese-Iverson, Cate, Drazan

**Exc:** 2 - Owens, Smith G

**Senate Vote**

**Yeas:** 9 - Anderson, Broadman, Campos, Frederick, Girod, Lieber, Manning Jr, McLane, Sollman

**Nays:** 1 - Bonham

**Exc:** 1 - Smith DB

**Prepared By:** Trombley, Chase, and Bennett, Department of Administrative Services

**Reviewed By:** Chelsey Herrmann, Legislative Fiscal Office

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**Oregon Health Authority**

**2025-27**

**Public Defense Commission**

**2025-27**

## **Budget Summary\***

	2023-25 Legislatively Approved Budget		2025-27 Current Service Level		2025-27 Committee Recommendation	Committee Change from 2023-25 Leg. Approved	
						\$ Change	% Change
<b>Oregon Health Authority</b>							
General Fund	\$	-	\$	-	\$ 5,431,896	\$ 5,431,896	100.0%
<b>Oregon Public Defense Commission</b>							
General Fund	\$	-	\$	-	\$ 1,111,456	\$ 1,111,456	100.0%

\* Excludes Capital Construction expenditures

## **Summary of Revenue Changes**

House Bill 2005 appropriates \$5,431,896 General Fund to the Oregon Health Authority (OHA) for payments to community mental health programs regarding civil commitments. The bill also appropriates \$1,111,456 to the Oregon Public Defense Commission (PDC) to provide public defense to financially eligible persons, as defined in the legislation. The bill also requires the Oregon Judicial Department (OJD) to use existing resources to provide staffing support for a new task force.

## **Summary of Capital Construction Subcommittee Action**

House Bill 2005 modifies the circumstances when an individual with a mental illness may be detained and committed to OHA for involuntary treatment. The measure modifies the definition of “person with mental illness” to an individual who has a mental illness and is in need of treatment and also creates definitions for “physical harm” and “serious physical harm.”

Additionally, the measure provides that a court, upon hearing the evidence as outlined by the measure, must make a determination by clear and convincing evidence that the individual has a mental illness and is in need of treatment. OHA must be notified immediately if commitment of an individual is proposed due to the individual appearing to need treatment because of a chronic mental disorder.

The measure also allows a community mental health director, under specified circumstances, to offer diversion from commitment to an individual deemed to have a mental illness at any time prior to the conclusion of a civil commitment hearing. The measure specifies the requirements of a diversion treatment plan and the responsibilities of the community mental health director. The measure modifies the form for a “declaration for mental health treatment” and changes the admission to, and retention in, a health care facility from up to 17 days to a “given period” and defines “health care facility” and “capacity evaluator.”

In addition, the measure modifies the exclusions of what is a “qualifying mental disorder” to include persons who intentionally engage in conduct that took a substantial step towards causing a result of or engaging in the creation of an actual and extreme risk of grave or potentially lethal physical injury to another person. In determining if a court must commit a respondent as an extremely dangerous person with a mental illness, the measure adds “or attempted to” to the qualifying behaviors. Furthermore, the measure outlines the circumstances and timeframes a defendant may be committed to the custody of a state mental hospital if a court deems the defendant lacks fitness to proceed in the court hearing. The measure also establishes new procedures for discharging a person from commitment and having them participate in community restoration.

### **Oregon Health Authority**

For OHA, the current 2025-27 forecast regarding non-Oregon State Hospital (OSH) civil commitments, which are classified as mandated caseloads, is approximately 742 cases. Based on this data, OHA anticipates mandated caseloads increasing by 5% (or 37 cases) with less than 1% being committed to OSH. For the 2025-27 biennium, mandated caseload costs are estimated to be \$8,156 per person, per month, requiring an additional \$5,431,896 General Fund. These funds will be used to make payments to community mental health programs.

Additionally, the measure provides that the court, upon hearing the evidence as outlined by the measure, must make a determination by clear and convincing evidence that the individual has a mental illness and is in need of treatment. OHA must be notified immediately if commitment of an individual is proposed due to the individual appearing to need treatment because of a chronic mental disorder.

### **Oregon Public Defense Commission**

PDC currently provides counsel for indigent defendants through a combination of contract, hourly, and state-employed attorneys. According to PDC data, there were 7,553 civil commitment cases filed in the 2024 fiscal year and of those, 3,218 were appointed counsel. PDC anticipates approximately half of the cases when counsel was not appointed, which could now qualify for appointed counsel. This could add an additional 2,168 additional civil commitment cases per year. Contracted attorneys are based on the Maximum Attorney Caseload (MAC), which is the maximum caseload an attorney can take based on 300 weighted misdemeanors and equates to 230 civil commitment cases per one MAC. PDC anticipates an initial buildup of 25% of filings in the 2025-27 biennium. The gradual increase of filings would require an additional 2.35 MAC in the 2025-27 biennium, which equates to \$1,111,456 General Fund in the 2025-27 biennium.

## DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

Oregon Health Authority and Oregon Public Defense Commission

Stacey Chase -- 503-689-4308, Jonathan Bennett -- 971-446-1708, Jason Trombley -- 971-719-3903

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
<u>SUBCOMMITTEE ADJUSTMENTS</u>									
<b>Oregon Health Authority</b>									
<b>SCR 030-08 - Behavioral Health</b>									
Special Payments	\$ 5,431,896	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,431,896		
<b>Oregon Public Defense Commission</b>									
<b>SCR 400 - Audit Trial Division</b>									
Services and Supplies	\$ 1,111,456	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,111,456		
TOTAL ADJUSTMENTS	\$ 6,543,352	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,543,352	0	0.00
SUBCOMMITTEE RECOMMENDATION *	\$ 6,543,352	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,543,352	0	0.00

\*Excludes Capital Construction Expenditures