



Legislative Fiscal Office
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Bill Title: Relating to mental illness.

Government Unit(s) Affected: Judicial Department, Counties, Public Defense Commission, Oregon Health Authority

Summary of Fiscal Impact

Costs related to the measure are indeterminate at this time - see explanatory analysis.

Measure Description

The measure modifies the circumstances when an individual with a mental illness may be detained and committed to the Oregon Health Authority (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 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.

Fiscal Analysis

The fiscal impact is indeterminate and dependent on the number of individuals who may now become subject to civil commitment.

Oregon Health Authority

The fiscal impact to OHA is indeterminate and dependent on the number of individuals who are detained and committed to the Department. According to data from 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. Mandated caseload costs are estimated to be \$8,156 per person, per month, and an additional \$5.4 million General Fund in the 2025-27 biennium and \$7.2 million General Fund in the 2027-29 biennium. However, it's noted that while OHA anticipates mandated caseloads increasing by 5%, the mandated case load could increase as much as 25%, or 186 cases. If cases were to increase to the full 25%, this would require an additional \$27.3 million General Fund in the 2025-27 biennium and \$36.4 million General Fund in the 2027-29 biennium.

Oregon Judicial Department

The fiscal impact to the Oregon Judicial Department (OJD) is indeterminate and dependent on the number of case filings and commitment hearings. According to OJD, there were 732 pre-disposition civil commitment hearings and 218 post-disposition civil commitment hearings in 2024. Pre-disposition hearings typically require two hours of combined judge and staff time while post-disposition hearings require one hour of combined judge

and staff time. The potential increase of filings and hearings at this time is indeterminate but will be monitored by OJD to capture the actual number of civil commitment case filings and hearings.

Public Defense Commission

The fiscal impact to the Public Defense Commission (PDC) is indeterminate and dependent on the number of individuals who qualify for public defense services and have civil commitment cases. PDC provides counsel for indigent defendants through a combination of contract, hourly, and state-employed attorneys. According to data provided by PDC, there were 7,553 civil commitment cases filed in the 2024 fiscal year and of those 3,218 were appointed counsel. PDC anticipates that approximately half of the cases where counsel was not appointed 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, which equates to 230 civil commitment cases per one MAC. The potential number of filings at this time is indeterminate, however, PDC anticipates an initial buildup of 25% of filings in the 2025-27 biennium and the full 50% estimated increase of filings in the 2027-29 biennium. The gradual increase of filings would require an additional 2.35 MAC in the 2025-27 biennium and 4.7 MAC in the 2027-29 biennium, which is an estimated cost of \$1.1 million General Fund in the 2025-27 biennium and \$2.2 million General Fund in the 2027-29 biennium. The actual number of cases, however, will be factored into future Department of Administrative Services - Office of Economic Analysis (DAS OEA) public defense forecasts.

Other entities

There is a minimal fiscal impact on counties.

Relevant Dates

The measure takes effect on January 1, 2026.