

HB 3069-2  
(LC 3407)  
4/29/25 (JLM/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Jason Kropf)

## PROPOSED AMENDMENTS TO HOUSE BILL 3069

1 In line 2 of the printed bill, after “safety” insert “; creating new pro-  
2 visions; amending sections 37, 76 and 77, chapter 70, Oregon Laws 2024; and  
3 declaring an emergency”.

4 Delete lines 4 through 8 and insert:

5 **“SECTION 1.** Section 76, chapter 70, Oregon Laws 2024, is amended to  
6 read:

7 **“Sec. 76.** (1) As used in this section, ‘deflection program’ means a  
8 collaborative program between law enforcement agencies and behavioral  
9 health entities **or community-based social service organizations** that as-  
10 sists individuals who may have substance use disorder, another behavioral  
11 health disorder or co-occurring disorders, **and who often have other ser-**  
12 **vice needs,** to create community-based pathways to treatment, recovery  
13 support services, housing, case management or other services.

14 **“(2)** The Oregon Behavioral Health Deflection Program is established  
15 within the [*Improving People’s Access to Community-based Treatment, Sup-*  
16 *ports and Services Grant Review Committee established under ORS 430.234*]  
17 **Oregon Criminal Justice Commission.** The program consists of grants  
18 awarded by the [*committee*] **commission** to counties and federally recognized  
19 tribal governments to fund deflection programs.

20 **“[(3)(a)] (3)** The purpose of the program described in this section is to:

21 **“[(A)] (a)** Address the need for more deflection programs to assist indi-

viduals whose behavioral health conditions, including substance use disorder, **and other service needs** lead to a **heightened likelihood of** interactions with law enforcement, incarceration, conviction and other engagement with the criminal justice system.

“(B) (b) Track and report data concerning deflection program outcomes in order to determine the best practices for deflection programs within this state.

“(b) *ORS 430.230 to 430.236 do not apply to the program described in this section.*]

“(4)(a) The [committee] **commission** shall develop a grant application process for awarding grants under this section.

“(b) An application for a grant under this section may be submitted by a county or [the] designee of a county, [or by] a tribal government or designee of a tribal government **or a consortium consisting of two or more counties or two or more tribal governments, or designee of a consortium.** Only one application per county **or tribal government** may be submitted, but the application may request funding multiple programs within [a county] **an applicant’s jurisdiction.**

“(c) Prior to submitting an application for a grant under this section, the applicant shall coordinate with all partners of the development and administration of the proposed deflection program to ensure that the partners have the resources necessary to implement the deflection program[.] **as follows:**

“(A) **For a county or county consortium applicant,** the partners shall include at least a district attorney, a law enforcement agency, a community mental health program established under ORS 430.620 and a provider from a Behavioral Health Resource Network established under ORS 430.389. Partners may also include a treatment provider, a local mental health authority, a tribal government, a peer support organization, a court or a local government body.

“(B) **For a tribal government or tribal government consortium ap-**

1 **plicant, the partners shall include a law enforcement agency and ei-**  
2 **ther a behavioral health entity or a community-based social service**  
3 **organization.**

4 “(d) An application for a grant under this section must contain:

5 “(A) A description of the coordination with program partners required by  
6 paragraph (c) of this subsection that has occurred;

7 “(B) A description of the individuals who would be eligible for the pro-  
8 gram and what qualifies as a successful outcome, formulated in cooperation  
9 with the program partners described in paragraph (c) of this subsection;

10 “(C) **For a county or county consortium applicant,** a description of  
11 how the program for which the applicant is seeking funding is culturally and  
12 linguistically responsive, trauma-informed and evidence-based;

13 “(D) **For a county or county consortium applicant,** a description of  
14 a plan to address language access barriers when communicating program  
15 referral options and program procedures to non-English speaking individuals;  
16 and

17 “(E) A description of how the program coordinator will communicate with  
18 program partners concerning persons participating in the program and any  
19 other matter necessary for the administration of the program.

20 “(5) To be eligible for funding under this section, a deflection program:

21 “(a) Must be coordinated by or in consultation with a community mental  
22 health program, a local mental health authority or a federally recognized  
23 tribal government;

24 “(b) Must have a coordinator with the following program coordinator  
25 duties:

26 “(A) Convening deflection program partners as needed for the operation  
27 of the program;

28 “(B) Managing grant program funds awarded under this section; and

29 “(C) Tracking and reporting data required by the [*Oregon Criminal Jus-*  
30 *tice*] commission under section 37, [*of this 2024 Act*] **chapter 70, Oregon**

1 **Laws 2024;**

2 “(c) Must involve the partners described in subsection (4)(c) of this sec-  
3 tion; and

4 “(d) May involve a partnership with one or more of the following entities:

5 “(A) A first responder agency other than a law enforcement agency;

6 “(B) A community provider;

7 “(C) A treatment provider;

8 “(D) A community-based organization;

9 “(E) A case management provider;

10 “(F) A recovery support services provider; or

11 “(G) Any other individual or entity deemed necessary by the program co-  
12 ordinator to carry out the purposes of the deflection program, including in-  
13 dividuals with lived experience with substance use disorder, a behavioral  
14 health disorder or co-occurring disorders.

15 “[*(6) During a grant application period established by the committee, the*  
16 *maximum proportion of grant funds available to an applicant shall be deter-*  
17 *mined as follows:*]

18 “[*(a) The proportion of grant funds available to an applicant other than a*  
19 *tribal government shall be determined based on the county formula share em-*  
20 *ployed by the Oversight and Accountability Council established under ORS*  
21 *430.388, but an applicant may not receive less than \$150,000.*]

22 “[*(b) The committee shall determine the proportion of funds available to an*  
23 *applicant that is a federally recognized tribal government.*]

24 “**(6)(a) The commission shall distribute moneys in the Oregon Be-**  
25 **havioral Health Deflection Program Account established under section**  
26 **78, chapter 70, Oregon Laws 2024, as follows:**

27 “**(A) The commission shall first determine the proportion of funds**  
28 **available to an applicant that is a federally recognized tribal govern-**  
29 **ment or consortium of tribal governments.**

30 “**(B) Following the determination made under subparagraph (A) of**

1 this paragraph, the remaining moneys shall be distributed to other  
2 applicants as follows:

3 “(i) Twenty-five percent of the moneys shall be distributed to  
4 counties based on the county formula share used for the program  
5 during the biennium ending June 30, 2025;

6 “(ii) Seventy percent of the moneys shall be distributed based on a  
7 competitive grant program adopted by the commission by rule and  
8 following the priorities described in paragraph (b) of this subsection;

9 “(iii) Three percent of the moneys shall be retained by the com-  
10 mission to support grantee data collection and analysis or evaluation  
11 of outcome measures; and

12 “(iv) Two percent of the moneys shall be retained by the commis-  
13 sion to support grantee technical assistance.

14 “(b) The commission shall prioritize the following when awarding  
15 grants under paragraph (a)(B)(ii) of this subsection:

16 “(A) Programs designed to minimize the number of cases filed;

17 “(B) Programs that result in satisfactory rates of successful out-  
18 comes for program participants;

19 “(C) Programs that prioritize the funding of positions that interact  
20 directly with prospective and enrolled program participants;

21 “(D) Programs in rural areas that create regional partnerships; and

22 “(E) Programs that adhere to documented best practices for de-  
23 flection programs.

24 “(7)(a) Grant funds awarded under this section may be used for:

25 “(A) Deflection program expenses including but not limited to law  
26 enforcement employees, deputy district attorneys and behavioral health,  
27 [treatment] case management or outreach workers, including peer  
28 navigators and mobile crisis and support services workers.

29 “(B) Behavioral health workforce development.

30 “(C) Capital construction of behavioral health treatment infrastructure.

1       “(D) The payment of restitution to a victim, if potential or out-  
2 standing restitution is a barrier to program participation.

3       “(b) Notwithstanding paragraph (a) of this subsection, the [committee]  
4 **commission** may award planning grants for the development of deflection  
5 programs.

6       “[(c) The committee may allocate up to three percent of program funds to  
7 support grantee data collection and analysis or evaluation of outcome meas-  
8 ures.]

9       “(c) A county or county consortium applicant may request up to  
10 three percent of program funds for administrative costs. A tribal gov-  
11 ernment or tribal government consortium applicant may request up  
12 to the federally negotiated indirect cost rate for the applicant to cover  
13 administrative costs.

14       “(8) The Oregon Criminal Justice Commission shall provide staff support  
15 to the grant program.

16       “(9) The [committee and the] commission [may] **shall** adopt rules to carry  
17 out the provisions of this section. **Rules adopted under this subsection**  
18 **must include:**

19       “(a) A methodology for reviewing and approving grant applications  
20 and awarding grants;

21       “(b) Provisions allowing the commission to establish supplemental  
22 grant periods to distribute any unallocated funds;

23       “(c) Provisions related to requests by grantees to adjust their grant  
24 awards; and

25       “(d) Provisions allowing the commission to approve provisional  
26 funding plans for applicants.

27       “(10) For purposes of this section:

28       “(a) A ‘successful outcome’ is an outcome consistent with the re-  
29 covery framework of the Substance Abuse and Mental Health Services  
30 Administration as in effect on December 31, 2024, and that recognizes

1 that safety, health, connection and meaning are core components of  
2 recovery, that recovery pathways are necessarily individual and that  
3 a substantial effort in case management should be considered suc-  
4 cessful, not only the achievement of specific goals.

5 “(b) ‘Victim’ has the meaning given that term in ORS 131.007.

6 “**SECTION 2.** Section 76, chapter 70, Oregon Laws 2024, as amended by  
7 section 1 of this 2025 Act, is amended to read:

8 “**Sec. 76.** (1) As used in this section, ‘deflection program’ means a  
9 collaborative program between law enforcement agencies and behavioral  
10 health entities or community-based social service organizations that assists  
11 individuals who may have substance use disorder, another behavioral health  
12 disorder or co-occurring disorders, and who often have other service needs,  
13 to create community-based pathways to treatment, recovery support services,  
14 housing, case management or other services.

15 “(2) The Oregon Behavioral Health Deflection Program is established  
16 within the Oregon Criminal Justice Commission. The program consists of  
17 grants awarded by the commission to counties and federally recognized tribal  
18 governments to fund deflection programs.

19 “(3) The purpose of the program described in this section is to:

20 “(a) Address the need for more deflection programs to assist individuals  
21 whose behavioral health conditions, including substance use disorder, and  
22 other service needs lead to a heightened likelihood of interactions with law  
23 enforcement, incarceration, conviction and other engagement with the crim-  
24 inal justice system.

25 “(b) Track and report data concerning deflection program outcomes in  
26 order to determine the best practices for deflection programs within this  
27 state.

28 “(4)(a) The commission shall develop a grant application process for  
29 awarding grants under this section.

30 “(b) An application for a grant under this section may be submitted by a

1 county or designee of a county, a tribal government or designee of a tribal  
2 government or a consortium consisting of two or more counties or two or  
3 more tribal governments, or designee of a consortium. Only one application  
4 per county or tribal government may be submitted, but the application may  
5 request funding multiple programs within an applicant's jurisdiction.

6 “(c) Prior to submitting an application for a grant under this section, the  
7 applicant shall coordinate with all partners of the development and admin-  
8 istration of the proposed deflection program to ensure that the partners have  
9 the resources necessary to implement the deflection program as follows:

10 “(A) For a county or county consortium applicant, the partners shall in-  
11 clude at least a district attorney, a law enforcement agency, a community  
12 mental health program established under ORS 430.620 and a provider from  
13 a Behavioral Health Resource Network established under ORS 430.389.  
14 Partners may also include a treatment provider, a local mental health au-  
15 thority, a tribal government, a peer support organization, a court or a local  
16 government body.

17 “(B) For a tribal government or tribal government consortium applicant,  
18 the partners shall include a law enforcement agency and either a behavioral  
19 health entity or a community-based social service organization.

20 “(d) An application for a grant under this section must contain:

21 “(A) A description of the coordination with program partners required by  
22 paragraph (c) of this subsection that has occurred;

23 “(B) A description of the individuals who would be eligible for the pro-  
24 gram and what qualifies as a successful outcome, formulated in cooperation  
25 with the program partners described in paragraph (c) of this subsection;

26 “(C) For a county or county consortium applicant, a description of how  
27 the program for which the applicant is seeking funding is culturally and  
28 linguistically responsive, trauma-informed and evidence-based;

29 “(D) For a county or county consortium applicant, a description of a plan  
30 to address language access barriers when communicating program referral



options and program procedures to non-English speaking individuals; and

“(E) A description of how the program coordinator will communicate with program partners concerning persons participating in the program and any other matter necessary for the administration of the program.

“(5) To be eligible for funding under this section, a deflection program:

“(a) Must be coordinated by or in consultation with a community mental health program, a local mental health authority or a federally recognized tribal government;

“(b) Must have a coordinator with the following program coordinator duties:

“(A) Convening deflection program partners as needed for the operation of the program;

“(B) Managing grant program funds awarded under this section; and

“(C) Tracking and reporting data required by the commission under section 37, chapter 70, Oregon Laws 2024;

“(c) Must involve the partners described in subsection (4)(c) of this section; and

“(d) May involve a partnership with one or more of the following entities:

“(A) A first responder agency other than a law enforcement agency;

“(B) A community provider;

“(C) A treatment provider;

“(D) A community-based organization;

“(E) A case management provider;

“(F) A recovery support services provider; or

“(G) Any other individual or entity deemed necessary by the program coordinator to carry out the purposes of the deflection program, including individuals with lived experience with substance use disorder, a behavioral health disorder or co-occurring disorders.

“(6)(a) The commission shall distribute moneys in the Oregon Behavioral Health Deflection Program Account established under section 78, chapter 70,

Oregon Laws 2024, as follows:

“(A) The commission shall first determine the proportion of funds available to an applicant that is a federally recognized tribal government or consortium of tribal governments.

“(B) Following the determination made under subparagraph (A) of this paragraph, the remaining moneys shall be distributed to other applicants as follows:

“(i) Twenty-five percent of the moneys shall be distributed [*to counties based on the county formula share used for the program during the biennium ending June 30, 2025*] **based on the formula described in paragraph (b) of this subsection;**

“(ii) Seventy percent of the moneys shall be distributed based on a competitive grant program adopted by the commission by rule and following the priorities described in paragraph [(b)] (c) of this subsection;

“(iii) Three percent of the moneys shall be retained by the commission to support grantee data collection and analysis or evaluation of outcome measures; and

“(iv) Two percent of the moneys shall be retained by the commission to support grantee technical assistance.

**“(b) For purposes of the distribution under paragraph (a)(B)(i) of this subsection:**

**“(A) The commission shall provide historical data to each applicant to assist applicants in developing a program population projection.**

**“(B) Applicants shall develop a program population projection to submit to the commission. The program population projection shall consist of:**

**“(i) A projection of individuals eligible for deflection based on local program criteria;**

**“(ii) A projection of individuals to be enrolled in the Oregon Behavioral Health Deflection Program within the applicant’s local juris-**

1 **diction; and**

2 **“(iii) An short explanation describing the methodology used to cal-**  
3 **culate the program population projection.**

4 **“(C) The proportion of funds available to an applicant shall be de-**  
5 **termined by the commission using the combined projections of poten-**  
6 **tial populations served by the Oregon Behavioral Health Deflection**  
7 **Program.**

8 **“[(b)] (c)** The commission shall prioritize the following when awarding  
9 grants under paragraph (a)(B)(ii) of this subsection:

10 **“(A) Grantees making adequate progress toward meeting program**  
11 **population projections of populations served submitted to the com-**  
12 **mission under paragraph (b) of this subsection;**

13 **“[(A)] (B)** Programs designed to minimize the number of cases filed;

14 **“[(B)] (C)** Programs that result in satisfactory rates of successful out-  
15 comes for program participants;

16 **“[(C)] (D)** Programs that prioritize the funding of positions that interact  
17 directly with prospective and enrolled program participants;

18 **“[(D)] (E)** Programs in rural areas that create regional partnerships; and

19 **“[(E)] (F)** Programs that adhere to documented best practices for de-  
20 flection programs.

21 **“(7)(a)** Grant funds awarded under this section may be used for:

22 **“(A)** Deflection program expenses including but not limited to law  
23 enforcement employees, deputy district attorneys and behavioral health, case  
24 management or outreach workers, including peer navigators and mobile cri-  
25 sis and support services workers.

26 **“(B)** Behavioral health workforce development.

27 **“(C)** Capital construction of behavioral health treatment infrastructure.

28 **“(D)** The payment of restitution to a victim, if potential or outstanding  
29 restitution is a barrier to program participation.

30 **“(b)** Notwithstanding paragraph (a) of this subsection, the commission

1 may award planning grants for the development of deflection programs.

2 “(c) A county or county consortium applicant may request up to three  
3 percent of program funds for administrative costs. A tribal government or  
4 tribal government consortium applicant may request up to the federally ne-  
5 gotiated indirect cost rate for the applicant to cover administrative costs.

6 “(8) The Oregon Criminal Justice Commission shall provide staff support  
7 to the grant program.

8 “(9) The commission shall adopt rules to carry out the provisions of this  
9 section. Rules adopted under this subsection must include:

10 “(a) A methodology for reviewing and approving grant applications and  
11 awarding grants;

12 “(b) Provisions allowing the commission to establish supplemental grant  
13 periods to distribute any unallocated funds;

14 “(c) Provisions related to requests by grantees to adjust their grant  
15 awards; and

16 “(d) Provisions allowing the commission to approve provisional funding  
17 plans for applicants.

18 “(10) For purposes of this section:

19 “(a) A ‘successful outcome’ is an outcome consistent with the recovery  
20 framework of the Substance Abuse and Mental Health Services Adminis-  
21 tration as in effect on December 31, 2024, and that recognizes that safety,  
22 health, connection and meaning are core components of recovery, that re-  
23 covery pathways are necessarily individual and that a substantial effort in  
24 case management should be considered successful, not only the achievement  
25 of specific goals.

26 “(b) ‘Victim’ has the meaning given that term in ORS 131.007.

27 **“SECTION 3. The amendments to section 76, chapter 70, Oregon**  
28 **Laws 2024, by section 2 of this 2025 Act become operative on July 1,**  
29 **2027.**

30 **“SECTION 4.** Section 77, chapter 70, Oregon Laws 2024, is amended to

1 read:

2 “**Sec. 77.** [(1)(a)] (1) The [*Improving People’s Access to Community-based*  
3 *Treatment, Supports and Services Grant Review Committee established under*  
4 *ORS 430.234, in cooperation with the*] Oregon Criminal Justice Commission  
5 [*and the Oregon Health Authority,*] shall monitor the progress of and evalu-  
6 ate program outcomes for applicants that receive grant funds as part of the  
7 Oregon Behavioral Health Deflection Program established under section 76,  
8 [*of this 2024 Act*] **chapter 70, Oregon Laws 2024.**

9 “[*(b) The committee shall share with the commission any data described in*  
10 *paragraph (a) of this subsection that the commission requires to carry out the*  
11 *commission’s duties under section 37 of this 2024 Act.*]

12 “(2) Beginning no later than September 30, 2025, the [*committee*] **com-**  
13 **mission** shall annually report, in the manner described in ORS 192.245 [*and*  
14 *in conjunction with the report required under ORS 430.245 (3)*], the findings  
15 of the evaluation described in subsection (1) of this section to the relevant  
16 interim committees of the Legislative Assembly.

17 “**SECTION 5.** Section 37, chapter 70, Oregon Laws 2024, is amended to  
18 read:

19 “**Sec. 37.** (1) The Oregon Criminal Justice Commission shall establish a  
20 statewide system for tracking simple, clear and meaningful data concerning  
21 deflection program outcomes, including connections to social services and  
22 criminal justice system avoidance, and other data deemed relevant that is  
23 timely and easily accessed to inform best practices and improve outcomes for  
24 individual program participants.

25 “[*(2)(a) No later than 12 months after the effective date of this 2024 Act, the*  
26 *commission shall conduct a study to determine best practices for deflection*  
27 *programs and make recommendations for funding of the Oregon Behavioral*  
28 *Health Deflection Program described in section 76 of this 2024 Act. In making*  
29 *the recommendations described in this paragraph, the commission shall con-*  
30 *sider the best available information and projections regarding deflection pro-*

grams in this state.]

“(b) (2) No later than 18 months after [the effective date of this 2024 Act] **April 1, 2024**, the commission shall develop standards and best practices for deflection programs in this state based on information received from the programs and pursuant to sections 76 and 77, [of this 2024 Act] **chapter 70, Oregon Laws 2024**.

“(3) The commission shall maintain a list of deflection programs operating within this state, and shall make the list publicly available on the website of the commission.

“(4) As used in this section, ‘deflection program’ means a collaborative program between law enforcement agencies and behavioral health entities **or community-based social service organizations** that assists individuals who may have substance use disorder, another behavioral health disorder or co-occurring disorders, **and who often have other service needs**, to create community-based pathways to treatment, recovery support services, housing, case management or other services.”.