

TO: Joint Committee On Addiction and Community Safety Response  
FROM: Disability Rights Oregon  
DATE: April 23, 2025  
RE: HB 2481 -2

Co-Chair Kropf, Co-Chair Prozanski and Co-Vice Chair Mannix,

Disability Rights Oregon's primary concern regarding HB 2481 could easily be addressed with an appropriate fiscal note of at least \$3 million dollars.

HB 2481 – 2 has a new section (two) that allows for the appointment of a guardian within the Office of Public Guardian simply because an individual's fitness in proceeding with trial is being raised. This would double or even triple the number of people who are responding to a guardianship petition in Oregon.

Oregon Law requires that Court-Appointed Attorneys are essential for respondents in guardianship proceedings given the serious infringement of civil liberties that guardianship creates. Under Oregon guardianship law, a person has a right to an attorney, but not to a Court Appointed Attorney. If a person cannot afford an attorney; they are oftentimes denied legal representation. Since 2023, DRO has provided legal representation for those undergoing guardianship proceedings who cannot afford their own attorney.

Based on available [state data](#), there are approximately 1,550 referrals for individuals found unfit to proceed with trial and need of aid and assist services. [Independent data](#) suggests that between 8-10% or 125 of these individuals are found “never able” to aid and assist. Additionally, [state data from 2017-2022](#) shows that nearly one in four people at Oregon State Hospital had at least one previous admission totaling about 375 people annually.

Disability Rights Oregon understands that the Office of Public Guardian is willing to serve these individuals who are found “never able” to aid and assist in their own defense as well as those who have cycled in and out of the criminal justice system. DRO joins OPG in the goal of appropriately supporting those individuals who are in the criminal justice system but who primarily need access quality, affordable and consistent behavioral health services. However, to ensure that the due process rights of individuals determined to be “never able,” the

However, DRO's primary concern is cost. The estimate of how much it would cost DRO to do this additional double or triple amount of work is \$3 million dollars. Additional analysis would need to be done to determine the cost of OPG, which would likewise need to substantially expand its work to ensure that the rights of people with disabilities and existing state law are not unintentionally negatively impacted by this bill.

## About Disability Rights Oregon

Since 1977 Disability Rights Oregon has been the State's Protection and Advocacy System.<sup>1</sup> We are authorized by Congress to protect, advocate, and enforce the rights of people with disabilities under the U.S. Constitution and Federal and State laws, investigate abuse and neglect of people with disabilities, and “pursue administrative, legal, and other appropriate remedies”.<sup>2</sup> We are also mandated to "educate policymakers" on matters related to people with disabilities.<sup>3</sup>

If you have any questions regarding DRO's position on this legislation, please contact Ben Gurewitz via email: [bgurewitz@droregon.org](mailto:bgurewitz@droregon.org)

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<sup>1</sup> See ORS 192.517.

<sup>2</sup> See 42 U.S.C. § 15041 et seq; 42 U.S.C. § 10801 et seq.

<sup>3</sup> See 42 U.S. Code § 15043(a)(2)(L).