**76th OREGON LEGISLATIVE ASSEMBLY – 2011 Regular Session**
**BUDGET REPORT AND MEASURE SUMMARY**

**JOINT COMMITTEE ON WAYS AND MEANS**

**MEASURE:** **SB 420-B**

**Carrier – House:** **Rep. Nolan**
**Carrier – Senate:** **Sen. Winters**

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**Action:** Do Pass the A-Engrossed Measure as Amended and as Printed B-Engrossed

**Vote:** 15 – 10 – 0
House – Yeas: Beyer, Buckley, Cowan, Komp, Kotek, Nathanson, Nolan, Richardson
– Nays: Freeman, Garrard, McLane, G. Smith, Thatcher, Whisnant
– Exc:

Senate – Yeas: Bates, Devlin, Edwards, Monroe, Nelson, Verger, Winters
– Nays: Girod, Johnson, Thomsen, Whitsett
– Exc:

**Prepared By:** Art Ayre, Department of Administrative Services

**Reviewed By:** Kim To, Legislative Fiscal Office

**Meeting Date:** June 24, 2011

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| Agency | Budget Page | LFO Analysis Page | Biennium |
|---|---|---|---|
| Department of Justice | D-11 | 86 | 2011-13 |
| Oregon Health Authority | C-12 | 26 | 2011-13 |
| Psychiatric Security Review Board | C-20 | 75 | 2011-13 |

## Budget Summary*

| | 2009-11 Legislatively Approved Budget (1) | 2011-13 Current Service Level | 2011-13 Governor's Budget | 2011-13 Committee Recommendation | Committee Change from 2009-11 Leg Approved $ Change | Committee Change from 2009-11 Leg Approved % Change |
|---|---|---|---|---|---|---|
| **Department of Justice** | | | | | | |
| General Fund | | | | $ 800,800 | $ 800,800 | |
| Other Funds | | | | $ 771,501 | $ 771,501 | |
| Total | | | | $ 1,572,301 | $ 1,572,301 | |
| **Oregon Health Authority** | | | | | | |
| General Fund | | | | $ 595,041 | $ 595,041 | |
| **Psychiatric Security Review Board** | | | | | | |
| General Fund | | | | $ 382,222 | $ 382,222 | |

(1) Includes adjustments through March 2011.

* Excludes Capital Construction expenditures

## Position Summary

| | | |
|---|---|---|
| **Department of Justice** | | |
| Authorized Positions | 5 | +5 |
| Full-time Equivalent (FTE) Positions | 3.50 | +3.50 |
| **Oregon Health Authority** | | |
| Authorized Positions | 2 | +2 |
| Full-time Equivalent (FTE) Positions | 1.76 | +1.76 |
| **Psychiatric Security Review Board** | | |
| Authorized Positions | 2 | +2 |
| Full-time Equivalent (FTE) Positions | 1.76 | +1.76 |

## Summary of Revenue Changes

Senate Bill 420 provides $800,800 General Fund for the Department of Justice, $595,041 General Fund for the Oregon Health Authority, and $382,222 General Fund for the Psychiatric Security Review Board (PSRB). It also provides an increase of $402,688 Other Funds revenue for the Department of Justice, comprising $302,016 from billings to the Oregon Health Authority (OHA) and $100,672 from billings to the Psychiatric Security Review Board.

## Summary of Capital Construction Subcommittee Action

Senate Bill 420 modifies the court's dispositional authority when a person is found guilty except for insanity (GEI) of a crime. The bill defines Tier 1 and Tier 2 offenses for a person found GEI. Tier 1 offenses involve Measure 11 violent crimes. Tier 2 offenses are defined as offenses that are not Tier 1 offenses. OHA is mandated to exercise jurisdiction over Tier 2 offenders. PSRB is mandated to exercise jurisdiction over Tier 1 offenders. However, when PSRB orders a Tier 2 offender to a state hospital or secure intensive community inpatient facility, jurisdiction is transferred to OHA. When conditionally released, jurisdiction is transferred back to the PSRB. The agency having jurisdiction over the person will hold hearings to determine conditional release or discharge of a person in a state hospital or secure intensive community inpatient facility. Portions of this measure become operative on January 1, 2012. The bill contains an emergency clause and takes effect on passage. The bill requires OHA and PSRB to each submit reports twice a year (until 2016) to the Legislative Assembly to describe the implementation and effects of this Act.

Department of Justice

The Subcommittee approved the addition of $800,800 General Fund and $771,501 Other Funds expenditure limitation for the establishment of five positions (3.50 FTE) to handle the increase in release hearings, statutorily required review hearings, post-conviction relief (PCR) cases and appellate cases resulting from the implementation of Senate Bill 420. The positions are two full-time Trial Assistant Attorney General positions, two part-time Trial Assistant Attorney General positions, and one Legal Researcher position.

Oregon Health Authority

The Subcommittee approved the addition of $595,041 General Fund for hearing expenses, attorney general fees, and personal services costs for two new paralegal positions (1.76 FTE) to prepare and coordinate hearings.

Psychiatric Security Review Board

The Subcommittee approved the addition of $382,222 General Fund for an increase in attorney general and other associated hearing costs, programming costs to modify the Board's database, and personal services costs for two new positions (1.76 FTE), one Paralegal and one Administrative Assistant, to manage the increase in caseload and workload associated with an increase in hearings and monitoring individuals on conditional release.

# DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

**SB 420-B**

**Department of Justice**
**Oregon Health Authority**
**Psychiatric Security Review Board**
**Art Ayre -- 503-378-3108**

| DESCRIPTION | GENERAL FUND | LOTTERY FUNDS | OTHER FUNDS LIMITED | OTHER FUNDS NONLIMITED | FEDERAL FUNDS LIMITED | FEDERAL FUNDS NONLIMITED | TOTAL ALL FUNDS | POS | FTE |
|---|---|---|---|---|---|---|---|---|---|
| **Department of Justice** | | | | | | | | | |
| Appellate | | | | | | | | | |
| Personal Services | $ 0 | $ 0 | $ 70,525 | $ 0 | $ 0 | $ 0 | $ 70,525 | 1 | 0.44 |
| Services and Supplies | $ 0 | $ 0 | $ 30,773 | $ 0 | $ 0 | $ 0 | $ 30,773 | 0 | 0.00 |
| General Counsel | | | | | | | | | |
| Personal Services | $ 0 | $ 0 | $ 70,500 | $ 0 | $ 0 | $ 0 | $ 70,500 | 1 | 0.44 |
| Services and Supplies | $ 0 | $ 0 | $ 30,773 | $ 0 | $ 0 | $ 0 | $ 30,773 | 0 | 0.00 |
| Trial | | | | | | | | | |
| Personal Services | $ 0 | $ 0 | $ 435,995 | $ 0 | $ 0 | $ 0 | $ 435,995 | 3 | 2.62 |
| Services and Supplies | $ 0 | $ 0 | $ 132,935 | $ 0 | $ 0 | $ 0 | $ 132,935 | 0 | 0.00 |
| Defense of Criminal Convictions | | | | | | | | | |
| Services and Supplies | $ 800,800 | $ 0 | $ 0 | $ 0 | $ 0 | $ 0 | $ 800,800 | 0 | 0.00 |
| **Oregon Health Authority** | | | | | | | | | |
| Addictions and Mental Health Program | | | | | | | | | |
| Personal Services | $ 199,873 | $ 0 | $ 0 | $ 0 | $ 0 | $ 0 | $ 199,873 | 2 | 1.76 |
| Services and Supplies | $ 377,188 | $ 0 | $ 0 | $ 0 | $ 0 | $ 0 | $ 377,188 | 0 | 0.00 |
| Direct Charges and Services | | | | | | | | | |
| Services and Supplies | $ 17,980 | $ 0 | $ 0 | $ 0 | $ 0 | $ 0 | $ 17,980 | 0 | 0.00 |
| **Psychiatric Security Review Board** | | | | | | | | | |
| General Program | | | | | | | | | |
| Personal Services | $ 229,664 | $ 0 | $ 0 | $ 0 | $ 0 | $ 0 | $ 229,664 | 2 | 1.76 |
| Services and Supplies | $ 152,558 | $ 0 | $ 0 | $ 0 | $ 0 | $ 0 | $ 152,558 | 0 | 0.00 |
| TOTAL ADJUSTMENTS | $ 1,778,063 | $ 0 | $ 771,501 | $ 0 | $ 0 | $ 0 | $ 2,549,564 | 9 | 7.02 |
| SUBCOMMITTEE RECOMMENDATION * | $ 1,778,063 | $ 0 | $ 771,501 | $ 0 | $ 0 | $ 0 | $ 2,549,564 | 9 | 7.02 |