

House Bill 2917

Sponsored by Representatives BUCKLEY, TOMEI; Representatives CANNON, ESQUIVEL, HOLVEY, KRUMMEL, SHIELDS (at the request of Dr. Dave Gilmour, Jackson County Commissioner)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows circuit courts to establish mental health court departments.

A BILL FOR AN ACT

1
2 Relating to mental health court departments.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) A mental health court department may be established in the circuit court**
5 **of a judicial district upon the written application of the presiding judge. The written appli-**
6 **cation must be made to the Chief Justice of the Supreme Court. Upon receipt and approval**
7 **of a written application, the Chief Justice shall designate a date for commencing operation**
8 **of the mental health court department in the judicial district. The provisions of this section**
9 **do not affect the ability of a circuit court to establish specialized subject-matter departments**
10 **in the manner provided by ORS 3.225.**

11 **(2) In every judicial district in which a mental health court department is established**
12 **under this section, the presiding judge of the judicial district may assign one or more judges**
13 **to serve in the department.**

14 **(3) Judges serving in the mental health court department have the same jurisdiction,**
15 **authority, powers, functions and duties as any other circuit court judge and shall be elected**
16 **and qualified in the same manner as any other circuit court judge.**

17 **(4) For the purposes of this section, "judicial district" means a judicial district enumer-**
18 **ated under the provisions of ORS 3.012.**

19 **SECTION 2. (1) The presiding judge of the judicial district may assign to a mental health**
20 **court department established under section 1 of this 2007 Act:**

21 **(a) Guardianship and conservatorship proceedings for mentally ill adults under the pro-**
22 **visions of ORS chapter 125;**

23 **(b) Proceedings to commit a mentally ill person under the provisions of ORS chapter 426**
24 **and ORS 430.397 to 430.401;**

25 **(c) Criminal proceedings against any person who appears to have a mental illness; and**

26 **(d) Any other proceeding in which a mentally ill person is involved.**

27 **(2) The presiding judge of the judicial district shall assign to a mental health court de-**
28 **partment established under section 1 of this 2007 Act any proceeding relating to an individual**
29 **who has required inpatient mental health treatment three or more times within three years**
30 **before the latest incident requiring judicial intervention.**

31 **(3) A judge serving in a mental health court department established under section 1 of**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 this 2007 Act shall use appropriate responses to the problems of persons appearing before the
2 judge in the following order of priority:

- 3 (a) Outpatient care under a treatment plan;
- 4 (b) Outpatient care and placement in a residential facility;
- 5 (c) Short-term inpatient care in a mental health facility;
- 6 (d) Long-term inpatient care in a mental health facility;
- 7 (e) Commitment to a forensic inpatient psychological facility; and
- 8 (f) Incarceration with mandated mental health care.

9 (4) A judge serving in a mental health court department established under section 1 of
10 this 2007 Act shall review the status of persons appearing before the judge at intervals de-
11 termined by the judge. The judge shall establish a list of persons to be notified of changes
12 in the status of the person appearing before the judge and ensure that notification is given
13 to those persons upon discharge or release of the person from a facility.

14 SECTION 3. Upon assignment to the mental health court department of the cases speci-
15 fied in section 2 of this 2007 Act, the presiding judge of the judicial district shall ensure, when
16 reasonable and appropriate, that all cases that involve the same person be assigned to the
17 same judge.

18 SECTION 4. The presiding judge of the judicial district may establish procedures for co-
19 ordinating all services that may be available to persons who are or who may become parties
20 in the proceedings specified in section 2 of this 2007 Act.

21 SECTION 5. At any time after the establishment of a mental health court department
22 under section 1 of this 2007 Act, the department may be abolished by order of the Chief
23 Justice of the Supreme Court.

24 SECTION 6. The Chief Justice of the Supreme Court may promulgate court rules for
25 mental health court departments established under section 1 of this 2007 Act.
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