

# House Bill 3524

Sponsored by Representatives GELSER, OLSON; Representatives BRUUN, CANNON, DALLUM, ESQUIVEL, FLORES, GILLIAM, GIROD, KRIEGER, MAURER, NELSON, ROBLAN, ROSENBAUM, SCHAUFLEER, G SMITH, TOMEI, WHISNANT, Senators ATKINSON, BEYER, BROWN, BURDICK, NELSON

## 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**.

Establishes Mental Health Database to assist law enforcement officers in assisting mentally ill individuals to obtain medical, mental health and social services.

Becomes operative July 1, 2008.

## A BILL FOR AN ACT

1  
2 Relating to a Mental Health Database.

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

4 **SECTION 1. (1) As used in this section, "mentally ill person" means a person who, be-**  
5 **cause of a mental disorder, is one or more of the following:**

6 (a) **Dangerous to self or others.**

7 (b) **Unable to provide for basic personal needs and is not receiving such care as is nec-**  
8 **essary for health or safety.**

9 (c) **A person who:**

10 (A) **Is chronically mentally ill, as defined in ORS 426.495;**

11 (B) **Within the previous three years, has twice been placed in a hospital or approved in-**  
12 **patient facility by the Department of Human Services under ORS 426.060;**

13 (C) **Is exhibiting symptoms or behavior substantially similar to those that preceded and**  
14 **led to one or more of the hospitalizations or inpatient facility placements referred to in**  
15 **subparagraph (B) of this paragraph; and**

16 (D) **Unless treated, will continue, to a reasonable medical probability, to physically or**  
17 **mentally deteriorate so that the person will become a person described under either or both**  
18 **subparagraph (A) or (B) of this paragraph.**

19 (2)(a) **The Department of State Police shall create and maintain a Mental Health Data-**  
20 **base containing the information described in subsection (4) of this section.**

21 (b) **The Department of State Police may create and maintain the database within the Law**  
22 **Enforcement Data System.**

23 (c) **The Department of State Police shall ensure that the database is accessible and**  
24 **searchable by law enforcement agencies.**

25 (3) **Before entering information that identifies an individual into the database, the De-**  
26 **partment of State Police shall obtain the express written consent of the individual. The De-**  
27 **partment of State Police, along with the Department of Human Services, shall develop a**  
28 **standard form to be used for this purpose. The written consent must be witnessed by a**  
29 **physician or licensed psychologist. The form shall clearly state that consent by the mentally**  
30 **ill person is voluntary and that consent is revocable. Upon receipt of a revocation of consent,**

**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 the Department of State Police shall remove identifying information about an individual with  
2 mental illness from the database.

3 (4) The database shall contain the following items:

4 (a) The mentally ill person's name, date of birth, last known address and physical de-  
5 scription;

6 (b) A name and telephone number for a contact person for the person, preferably a par-  
7 ent, guardian or foster care provider;

8 (c) A diagnosis or description of the symptoms of the person's illness;

9 (d) A list of medications prescribed for the person; and

10 (e) A safety alert, if applicable, for law enforcement personnel.

11 (5)(a) The purpose of the Mental Health Database is to provide law enforcement agencies  
12 with information that will help the agencies assist mentally ill people to obtain medical,  
13 mental health and social services.

14 (b) The Department of State Police shall work with the Department of Human Services,  
15 the Oregon State Sheriffs' Association and advocacy groups for mentally ill people to develop  
16 a program that assists mentally ill people in obtaining medical, mental health and social  
17 services and that protects the rights of the mentally ill and of the public. The Department  
18 of State Police shall ensure that, prior to its implementation, the database program complies  
19 with the requirements of ORS 192.518 to 192.526 and the federal Health Insurance Portability  
20 and Accountability Act privacy regulations, 45 C.F.R. parts 160 and 164.

21 (c) The Department of State Police shall develop and require training for all personnel  
22 with access to the database to ensure that it is used in a way that protects the  
23 confidentiality rights of the mentally ill.

24 SECTION 2. This 2007 Act becomes operative July 1, 2008.

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