

House Bill 2054

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Human Services and Women's Wellness)

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**.

Requires Department of State Police to create mental health database to aid law enforcement agencies in assisting persons with mental illness in obtaining services.

Requires Department of Public Safety Standards and Training to include at least one hour of training in use of database for certification as police officer.

A BILL FOR AN ACT

Relating to a mental health database; creating new provisions; and amending ORS 181.641.

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

SECTION 1. (1)(a) The Department of State Police shall create and maintain a mental health database within the Law Enforcement Data System in order to provide law enforcement agencies with information that will help the agencies assist persons with mental illness in obtaining medical, mental health and social services.

(b) The department shall provide each community mental health and developmental disabilities program director with the ability to input and remove data from the mental health database.

(2) No more than seven days after receiving a completed enrollment form described in subsection (5)(a) of this section, a community mental health and developmental disabilities director shall enter an individual's information into the mental health database if the director:

(a) Has verified that the individual has a qualifying mental illness; and

(b) Has obtained the express written consent of:

(A) The individual;

(B) A person authorized to make medical decisions for the individual, if the individual is subject to a guardianship or power of attorney that authorizes the person to make medical decisions for the individual; or

(C) A parent of the individual, if the individual is less than 14 years of age.

(3) The community mental health and developmental disabilities director shall destroy the completed enrollment form and remove an individual's information from the mental health database:

(a) If the director receives a revocation of consent signed by the individual or a person described in subsections (2)(b)(B) or (C) of this section;

(b) If the individual or a person described in subsection (2)(b)(B) of this section provides the director with a court order or other document demonstrating that the person no longer has the authority to make medical decisions for the individual;

(c) When an individual for whom consent was obtained under subsection (2)(b)(C) of this

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 section becomes 14 years of age; or

2 (d) Three years from the date the individual's information was entered into the database.

3 (4) Not fewer than 90 days prior to removing an individual's information from the mental
4 health database under subsection (3)(c) or (d) of this section, the director shall provide notice
5 of the impending removal to the individual and the person described in subsection (2)(b)(B)
6 or (C) of this section.

7 (5) The Department of Human Services shall develop:

8 (a) An enrollment form that allows for the collection of information that will be entered
9 into the mental health database that clearly states that consent by the individual or a person
10 described in subsection (2)(b)(B) or (C) of this section is voluntary and revocable; and

11 (b) A revocation of consent form that allows an individual or a person described in sub-
12 section (2)(b)(B) or (C) of this section to revoke the consent to include the individual's in-
13 formation in the mental health database.

14 (6) The mental health database must contain the following information:

15 (a) The individual's name, date of birth, last known address and physical description;

16 (b) The individual's most recent diagnosis;

17 (c) Any pertinent information related to the individual's condition, including symptoms
18 of the individual's illness, that may assist law enforcement agencies in carrying out the
19 purposes of this section;

20 (d) The date the information was first entered into the mental health database and the
21 date of any subsequent updates; and

22 (e) Contact information for at least two of the following persons:

23 (A) The individual's primary care physician;

24 (B) The individual's case manager in the community mental health and developmental
25 disabilities program;

26 (C) A probation officer;

27 (D) A family member; or

28 (E) Any other person willing to serve as an emergency contact person for the individual.

29 (7) Each community mental health and developmental disabilities program director shall
30 provide the local public safety coordinating council described in ORS 423.560 with an annual
31 report on the use of the mental health database.

32 (8) As used in this section:

33 (a) "Community mental health and developmental disabilities program director" includes
34 a designee of the director.

35 (b) "Express written consent" means a signed enrollment form that is witnessed by a
36 physician or licensed psychologist or is notarized.

37 (c) "Qualifying mental illness" means an Axis I diagnosis described in the Diagnostic and
38 Statistical Manual of Mental Disorders published by the American Psychiatric Association.

39 **SECTION 2.** ORS 181.641 is amended to read:

40 181.641. The Department of Public Safety Standards and Training shall include in the minimum
41 training required for basic certification as a police officer under ORS 181.665:

42 (1) The law, theory, policies and practices related to vehicle pursuit driving and, as facilities
43 and funding permit, vehicle pursuit training exercises; and

44 (2) At least 24 hours of training in the recognition of mental illnesses utilizing a crisis inter-
45 vention training model, at least one hour of which must include training on the appropriate

1 **uses of the mental health database described in section 1 of this 2009 Act.**

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