

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
Vote:	3 - 2 - 0
Yeas:	Bonamici, Dingfelder, Prozanski
Nays:	Kruse, Whitsett
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	4/18, 4/20, 4/21

WHAT THE MEASURE DOES: Places a person found guilty but for insanity and who presents a substantial danger to others under the jurisdiction of the Oregon Health Authority (OHA) rather than the Psychiatric Security Review Board (PSRB). OHA will decide when a person can be released back into the community and whether the person should be recommitted; however, the PSRB will supervise the person when released into the community. Requires that person under the jurisdiction of OHA who is convicted of a crime and sentenced to incarceration be conditionally released in order to serve that sentence and upon completion of the sentence be placed back under the jurisdiction of OHA.

ISSUES DISCUSSED:

- Who should make the decision to release
- Expertise

EFFECT OF COMMITTEE AMENDMENT: Replaces the bill.

BACKGROUND: A person is guilty except for insanity if, as a result of mental disease or defect at the time of engaging in criminal conduct, the person lacks substantial capacity either to appreciate the criminality of the conduct or to conform the conduct to the requirements of law, ORS 161.295. If a person is found guilty but for insanity and the person presents a substantial danger to the community, the court shall order that the person be placed under the jurisdiction of the Psychiatric Security Review Board (PSRB) and sent to the Oregon State Hospital (OSH) or an intensive community inpatient facility if the person is under 18 years of age. The court may release the person back into the community if it finds that the person can be adequately treated in the community.

If a person is committed to the jurisdiction of the PSRB and placed in OSH, the hospital can recommend discharge back into the community based on the fact that the person's mental condition has improved so that the person does not present a danger to self or others either with supervision or without supervision; however, the ultimate decision to do this rests with the PSRB, which not only has the authority to make this decision but sets the terms and conditions of release and supervises the person while released. This split between the OSH's obligation to treat and evaluate and the PSRB's authority to decide who is released has caused confusion, and, some believe, delay in release into the community.