

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass
Vote: 9 - 0 - 1
Yeas: Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Wand, Barker, Krieger
Nays: 0
Exc.: Whisnant
Prepared By: Bill Taylor, Counsel
Meeting Dates: 5/26, 6/1

WHAT THE MEASURE DOES: Clarifies that the maximum time, three years, a person may be committed to the Oregon State Hospital (OSH) in an aid and assist proceeding starts from the date the defendant is first committed to OSH.

ISSUES DISCUSSED:

- Civil commitment if person does not get well
- Need to ensure that the person receives the same medication in jail that the person received in the State Hospital

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: If a defendant is unable to aid and assist in his or her own defense, the proceeding against the defendant is suspended until such time as the defendant is able to do so, ORS 161.370. A defendant may be held for a period of up to three years or a time period equal to the maximum sentence the court could have imposed if the defendant had been convicted, whichever is less.

Senate Bill 432 A clarifies that the time period for restoring the person to capacity starts from the date on which the person is first committed to OSH. This issue arises when a person is sent to OSH, stabilized and sent back to jail, then destabilizes and returns to OSH. Under this measure, the three year period commences on the date the person was first committed to OSH.