

**Enrolled**  
**House Bill 2662**

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Judiciary)

CHAPTER .....

AN ACT

Relating to crime; creating new provisions; amending sections 12, 14 and 15, chapter 826, Oregon Laws 2009; repealing sections 5, 6 and 6c, chapter \_\_\_, Oregon Laws 2011 (Enrolled Senate Bill 390); and declaring an emergency.

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

**SECTION 1.** Section 12, chapter 826, Oregon Laws 2009, as amended by section 21, chapter 826, Oregon Laws 2009, is amended to read:

**Sec. 12.** (1) [*Section 1 of this 2009 Act*] **ORS 181.740** applies to records and information in the possession of the Department of Human Services, the Oregon Health Authority, the Psychiatric Security Review Board or the Judicial Department on or after [*the effective date of this 2009 Act*] **January 1, 2010**, irrespective of when the record or information was created.

[(2)(a) *When the Department of Human Services determines that the department has received a sufficient legislative appropriation or federal funding to carry out the provisions of section 1 of this 2009 Act, the department shall adopt a rule so indicating. The department shall notify Legislative Counsel when the rule is adopted.*]

[(b) *When the Oregon Health Authority determines that the authority has received a sufficient legislative appropriation or federal funding to carry out the provisions of section 1 of this 2009 Act, the authority shall adopt a rule so indicating. The authority shall notify Legislative Counsel when the rule is adopted.*]

[(c) *When the Chief Justice of the Supreme Court determines that the Judicial Department has received a sufficient legislative appropriation or federal funding to carry out the provisions of section 1 of this 2009 Act, the Chief Justice shall issue an order so indicating. The Chief Justice shall notify Legislative Counsel when the order is issued.*]

[(d) *When the Psychiatric Security Review Board determines that the board has received a sufficient legislative appropriation or federal funding to carry out the provisions of section 1 of this 2009 Act, the board shall adopt a rule so indicating. The board shall notify Legislative Counsel when the rule is adopted.*]

[(3)(a)(A) *The Department of Human Services may not comply with section 1 of this 2009 Act until the department adopts the rule described in subsection (2)(a) of this section; and*]

[(B) *If the Department of Human Services adopts the rule described in subsection (2)(a) of this section before January 2, 2012, the department may not comply with section 1 of this 2009 Act until the later of:*]

[(i) *The date the Psychiatric Security Review Board adopts the rule described in section 13 of this 2009 Act; or*]

*[(ii) January 2, 2012.]*

*[(b)(A) The Oregon Health Authority may not comply with section 1 of this 2009 Act or the amendments to ORS 166.412 by section 17 of this 2009 Act until the authority adopts the rule described in subsection (2)(b) of this section; and]*

*[(B) If the Oregon Health Authority adopts the rule described in subsection (2)(b) of this section before January 2, 2012, the authority may not comply with section 1 of this 2009 Act or the amendments to ORS 166.412 by section 17 of this 2009 Act until the later of:]*

*[(i) The date the Psychiatric Security Review Board adopts the rule described in section 13 of this 2009 Act; or]*

*[(ii) January 2, 2012.]*

*[(c)(A) The Judicial Department may not comply with section 1 of this 2009 Act until the Chief Justice issues the order described in subsection (2)(c) of this section; and]*

*[(B) If the Chief Justice issues the order described in subsection (2)(c) of this section before January 2, 2012, the Judicial Department may not comply with section 1 of this 2009 Act until the later of:]*

*[(i) The date the Psychiatric Security Review Board adopts the rule described in section 13 of this 2009 Act; or]*

*[(ii) January 2, 2012.]*

*[(d)(A) The Psychiatric Security Review Board may not comply with section 1 of this 2009 Act until the board adopts the rule described in subsection (2)(d) of this section; and]*

*[(B) If the board adopts the rule described in subsection (2)(d) of this section before January 2, 2012, the board may not comply with section 1 of this 2009 Act until the later of:]*

*[(i) The date the board adopts the rule described in section 13 of this 2009 Act; or]*

*[(ii) January 2, 2012.]*

*[(4)(a) When the Chief Justice of the Supreme Court determines that the Judicial Department has received a sufficient legislative appropriation or federal funding to carry out the provisions of the amendments to ORS 426.160 and 427.293 by sections 2 and 3 of this 2009 Act, the Chief Justice shall issue an order so indicating. The Chief Justice shall notify Legislative Counsel when the order is issued.]*

*[(b)(A)] (2) [Except as provided in subparagraph (B) of this paragraph,] The amendments to ORS 426.160 and 427.293 by sections 2 and 3, **chapter 826, Oregon Laws 2009**, [of this 2009 Act] become operative on the **effective date of this 2011 Act**. [date the Chief Justice issues the order described in paragraph (a) of this subsection.]*

*[(B) If the Chief Justice issues the order described in paragraph (a) of this subsection before January 2, 2012, the amendments to ORS 426.160 and 427.293 by sections 2 and 3 of this 2009 Act become operative on the later of:]*

*[(i) The date the Psychiatric Security Review Board adopts the rule described in section 13 of this 2009 Act; or]*

*[(ii) January 2, 2012.]*

**SECTION 2.** Section 14, chapter 826, Oregon Laws 2009, as amended by section 23, chapter 826, Oregon Laws 2009, is amended to read:

**Sec. 14.** *[(1) Sections 5 and 13 of this 2009 Act are repealed on January 2, 2012.]*

**(1) Section 5, chapter 826, Oregon Laws 2009, as amended by sections 18 and 18a, chapter 826, Oregon Laws 2009, is repealed on January 2, 2016.**

**(2) Section 13, chapter 826, Oregon Laws 2009, as amended by section 22, chapter 826, Oregon Laws 2009, is repealed on January 2, 2016.**

*[(2)] (3) The amendments to ORS 166.250, 166.274, 166.291 and 166.470 by sections 10, 11, 11a and 20, **chapter 826, Oregon Laws 2009**, [of this 2009 Act] become operative on January 2, [2012] **2016**.*

**SECTION 3.** Section 15, chapter 826, Oregon Laws 2009, as amended by section 24, chapter 826, Oregon Laws 2009, is amended to read:

**Sec. 15.** (1) The repeal of section 5, **chapter 826, Oregon Laws 2009**, [of this 2009 Act] by section 14, **chapter 826, Oregon Laws 2009**, [of this 2009 Act] does not affect any petition for relief filed pursuant to section 5, **chapter 826, Oregon Laws 2009**, [of this 2009 Act] with the Psychiatric Security Review Board before January 2, [2012] **2016**. Any proceeding commenced under section 5, **chapter 826, Oregon Laws 2009**, [of this 2009 Act] before January 2, [2012] **2016**, shall continue to be governed by the provisions of section 5, **chapter 826, Oregon Laws 2009** [of this 2009 Act].

(2) Nothing in the repeal of section 5, **chapter 826, Oregon Laws 2009**, [of this 2009 Act] by section 14, **chapter 826, Oregon Laws 2009**, [of this 2009 Act] or the amendments to ORS 166.250, 166.274, 166.291 and 166.470 by sections 10, 11, 11a and 20, **chapter 826, Oregon Laws 2009**, [of this 2009 Act] affects the relief granted to a person under section 5, **chapter 826, Oregon Laws 2009** [of this 2009 Act].

**SECTION 3a.** If Senate Bill 390 becomes law, sections 5 (amending section 12, chapter 826, Oregon Laws 2009) and 6, chapter \_\_, Oregon Laws 2011 (Enrolled Senate Bill 390), are repealed.

**SECTION 3b.** If Senate Bill 390 becomes law and Senate Bill 68 does not become law, the amendments to ORS 426.160 and 427.293 by sections 2 and 4, chapter \_\_, Oregon Laws 2011 (Enrolled Senate Bill 390), become operative on the effective date of this 2011 Act.

**SECTION 3c.** If both Senate Bill 390 and Senate Bill 68 become law, the amendments to ORS 426.160 and 427.293 by sections 6a and 6b, chapter \_\_, Oregon Laws 2011 (Enrolled Senate Bill 390), become operative on the effective date of this 2011 Act.

**SECTION 3d.** If both Senate Bill 390 and Senate Bill 68 become law, section 6c, chapter \_\_, Oregon Laws 2011 (Enrolled Senate Bill 390), is repealed.

**SECTION 4.** This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House April 29, 2011

Received by Governor:

Repassed by House June 9, 2011

.....M.,....., 2011

Approved:

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Ramona Kenady Line, Chief Clerk of House

.....M.,....., 2011

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Bruce Hanna, Speaker of House

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John Kitzhaber, Governor

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Arnie Roblan, Speaker of House

Filed in Office of Secretary of State:

Passed by Senate June 7, 2011

.....M.,....., 2011

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State