

**SENATE AMENDMENTS TO
A-ENGROSSED SENATE BILL 420
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By JOINT COMMITTEE ON WAYS AND MEANS

June 24

1 On page 1 of the printed A-engrossed bill, line 3, after “161.329,” insert “161.332,” and after
2 “161.385,” insert “161.387,”.

3 In line 5, after “810.375;” insert “appropriating money;”.

4 On page 2, delete lines 19 through 26 and insert:

5 “(2)(a) Except as otherwise provided in section 15 of this 2011 Act, the Psychiatric Security
6 Review Board shall exercise exclusive jurisdiction over a tier one offender until the board dis-
7 charges the person from the jurisdiction of the board or the maximum period of jurisdiction expires.

8 “(b) When the board orders a tier two offender committed to a state hospital, or a secure in-
9 tensive community inpatient facility, under ORS 161.315 to 161.351, the order shall transfer juris-
10 diction over the person to the Oregon Health Authority.

11 “(c) When the authority orders a tier two offender conditionally released under ORS 161.315 to
12 161.351, the order shall transfer jurisdiction over the person to the board.

13 “(d) The authority shall assume jurisdiction over a tier two offender when the person is returned
14 to a state hospital, or to a secure intensive community inpatient facility, under ORS 161.336 (4).”.

15 On page 5, line 15, after “practicable” insert “to the state hospital or secure intensive commu-
16 nity inpatient facility designated in the order.”.

17 Delete line 16.

18 Delete lines 36 through 42 and insert:

19 “(c) Within 20 days following the return of the person to a state hospital or secure intensive
20 community inpatient facility under this subsection, the agency having jurisdiction over the person
21 shall conduct a hearing. The agency shall provide notice of the hearing to the person, the attorney
22 representing the person and the Attorney General. The state must prove by a preponderance of the
23 evidence the person’s unfitness for conditional release. The hearing shall be conducted in accord-
24 ance with ORS 161.346.”.

25 On page 6, delete line 11 and insert:

26 “(6) A person who has spent”.

27 Delete lines 21 through 45 and delete page 7 and insert:

28 “**SECTION 3.** ORS 161.341 is amended to read:

29 “161.341. *[(1) If the Psychiatric Security Review Board finds, upon its initial hearing, that the*
30 *person presents a substantial danger to others and is not a proper subject for conditional release, the*
31 *board shall order the person committed to, or retained in, a state hospital designated by the Oregon*
32 *Health Authority if the person is at least 18 years of age, or to a secure intensive community inpatient*
33 *facility designated by the authority if the person is under 18 years of age, for custody, care and treat-*
34 *ment. The period of commitment ordered by the board may not exceed the maximum sentence provided*

1 by statute for the crime for which the person was found guilty except for insanity.]

2 “[2] (1) If at any time after [the commitment of a person] a person is committed under ORS
3 161.315 to 161.351 to a state hospital[, or to] or a secure intensive community inpatient facility,
4 [designated by the authority under this section,] the superintendent of the hospital or the director of
5 the secure intensive community inpatient facility is of the opinion that the person is no longer af-
6 fected by mental disease or defect, or, if so affected, no longer presents a substantial danger to
7 others or that the person continues to be affected by mental disease or defect and continues to be
8 a danger to others, but that the person can be controlled with proper care, medication, supervision
9 and treatment if conditionally released, the superintendent or director shall apply to the [board]
10 agency having jurisdiction over the person for an order of discharge or conditional release. The
11 application shall be accompanied by a report setting forth the facts supporting the opinion of the
12 superintendent or director. If the application is for conditional release, the application must [also]
13 be accompanied by a verified conditional release plan. The [board] agency shall hold a hearing on
14 the application within 60 days of its receipt. Not less than 20 days prior to the hearing before the
15 [board] agency, copies of the report shall be sent to the Attorney General.

16 “[3] (2) The attorney representing the state may choose a psychiatrist or licensed psychologist
17 to examine the person prior to the initial or any later decision by the [board] agency having ju-
18 risdiction over the person on discharge or conditional release. The results of the examination
19 shall be in writing and filed with the [board] agency, and shall include, but need not be limited to,
20 an opinion as to the mental condition of the person, whether the person presents a substantial
21 danger to others and whether the person could be adequately controlled with treatment as a con-
22 dition of release.

23 “[4] (3) Any person who has been committed to a state hospital, or to a secure intensive
24 community inpatient facility, [designated by the authority] for custody, care and treatment under
25 ORS 161.315 to 161.351, or another person acting on the person’s behalf, may apply to the [board]
26 agency having jurisdiction over the person for an order of discharge or conditional release upon
27 the grounds:

28 “(a) That the person is no longer affected by mental disease or defect;

29 “(b) [If so affected,] That the person, if so affected, no longer presents a substantial danger to
30 others; or

31 “(c) That the person continues to be affected by a mental disease or defect and would continue
32 to be a danger to others without treatment, but that the person can be adequately controlled and
33 given proper care and treatment if placed on conditional release.

34 “[5] (4) When application is made under subsection [(4) (3)] of this section, the [board] agency
35 having jurisdiction over the person shall require that a report from the superintendent of the
36 hospital or the director of the secure intensive community inpatient facility be prepared and trans-
37 mitted as provided in subsection [(2) (1)] of this section. The applicant must prove by a preponder-
38 ance of the evidence the applicant’s fitness for discharge or conditional release under the standards
39 of subsection [(4) (3)] of this section, unless more than two years has passed since the state had the
40 burden of proof on that issue, in which case the state shall have the burden of proving by a pre-
41 ponderance of the evidence the applicant’s lack of fitness for discharge or conditional release. Ap-
42 plications for discharge or conditional release under subsection [(4) (3)] of this section [shall] may
43 not be filed more often than once every six months commencing with the date of the initial [board]
44 agency hearing.

45 “[6] (5) The [board] agency having jurisdiction over the person is not required to hold a

1 hearing on a first application under subsection [(4)] (3) of this section any sooner than 90 days after
2 the initial hearing. [However,] Hearings resulting from any subsequent requests shall be held within
3 60 days of the filing of the application.

4 “[(7)(a) In no case shall any person committed by the court under ORS 161.327 to a state hospital,
5 or to a secure intensive community inpatient facility, designated by the authority be held in the hospital
6 or facility for more than 90 days from the date of the court’s commitment order without an initial
7 hearing before the board to determine whether the person should be conditionally released or dis-
8 charged.]

9 “(6)(a) In no case shall a person committed by the court under ORS 161.327 to a state
10 hospital, or to a secure intensive community inpatient facility, be held in the hospital or fa-
11 cility for more than 90 days from the date of the court’s commitment order without an initial
12 hearing before the agency having jurisdiction over the person to determine whether the
13 person should be conditionally released or discharged.

14 “(b) In no case shall a person be held pursuant to this section for a period of time exceeding two
15 years without a hearing before the [board] agency to determine whether the person should be con-
16 ditionally released or discharged.”.

17 On page 8, after line 17, insert:

18 “(3) In determining whether a person should be committed to a state hospital or secure intensive
19 community inpatient facility, conditionally released or discharged, the board and the authority shall
20 have as their primary concern the protection of society.”.

21 After line 40, insert:

22 “(6) The evidentiary phase of a hearing conducted by the board or the authority under ORS
23 161.315 to 161.351 is not a deliberation for purposes of ORS 192.690.”.

24 On page 12, line 34, delete “Oregon Health Authority” and insert “agency having jurisdiction
25 over the person”.

26 In line 36, delete “authority” and insert “agency”.

27 After line 36, insert:

28 “**SECTION 11a.** ORS 161.332 is amended to read:

29 “161.332. As used in ORS 161.315 to 161.351 and 161.385 to 161.395[.]:

30 “(1) ‘Conditional release’ includes, but is not limited to, the monitoring of mental and physical
31 health treatment.

32 “(2) ‘Tier one offender’ means a person who has been found guilty except for insanity of
33 a tier one offense.

34 “(3) ‘Tier one offense’ means:

35 “(a) Aggravated murder as defined in ORS 163.095;

36 “(b) Attempt or conspiracy to commit aggravated murder as defined in ORS 163.095;

37 “(c) Murder as defined in ORS 163.115;

38 “(d) Attempt or conspiracy to commit murder as defined in ORS 163.115;

39 “(e) Manslaughter in the first degree as defined in ORS 163.118;

40 “(f) Manslaughter in the second degree as defined in ORS 163.125;

41 “(g) Assault in the first degree as defined in ORS 163.185;

42 “(h) Assault in the second degree as defined in ORS 163.175;

43 “(i) Kidnapping in the first degree as defined in ORS 163.235;

44 “(j) Kidnapping in the second degree as defined in ORS 163.225;

45 “(k) Rape in the first degree as defined ORS 163.375;

- 1 “(L) Rape in the second degree as defined in ORS 163.365;
2 “(m) Sodomy in the first degree as defined in ORS 163.405;
3 “(n) Sodomy in the second degree as defined in ORS 163.395;
4 “(o) Unlawful sexual penetration in the first degree as defined ORS 163.411;
5 “(p) Unlawful sexual penetration in the second degree as defined ORS 163.408;
6 “(q) Sexual abuse in the first degree as defined in ORS 163.427;
7 “(r) Robbery in the first degree as defined in ORS 164.415;
8 “(s) Robbery in the second degree as defined in ORS 164.405;
9 “(t) Arson in the first degree as defined in ORS 164.325;
10 “(u) Using a child in a display of sexually explicit conduct as defined in ORS 163.670;
11 “(v) Compelling prostitution as defined in ORS 167.017; or
12 “(w) Aggravated vehicular homicide as defined in ORS 163.149.

13 “(4) ‘Tier two offender’ means a person who has been found guilty except for insanity
14 only of offenses that are not tier one offenses.

15 “**SECTION 11b.** ORS 161.387 is amended to read:

16 “161.387. (1) The Psychiatric Security Review Board, by rule pursuant to ORS 183.325 to 183.410
17 and not inconsistent with law, may implement its policies and set out its procedure and practice
18 requirements and may promulgate such interpretive rules as the board deems necessary or appro-
19 priate to carry out its statutory responsibilities.

20 “(2) Administrative meetings of the board [*and the evidentiary phase of board hearings*] are not
21 deliberations for the purposes of ORS 192.690.”.

22 On page 13, delete lines 22 through 29 and insert:

23 “(a) If the court finds that the person is not a proper subject for conditional release, the court
24 shall order the person committed to a state hospital or, if the person is under 18 years of age, to a
25 secure intensive community inpatient facility, for custody, care and treatment. When the court or-
26 ders a person committed under this paragraph, the court shall place the person under the jurisdic-
27 tion of:

28 “(A) The Psychiatric Security Review Board, if the person is a tier one offender.

29 “(B) The Oregon Health Authority, if the person is a tier two offender.”.

30 On page 14, line 3, delete the period.

31 In line 24, delete “(6)” and insert “(5)”.

32 In line 44, after “person” delete the rest of the line and insert “who is committed to a state
33 hospital or a secure intensive community inpatient facility”.

34 On page 15, line 5, delete “Oregon Health Authority” and insert “agency having jurisdiction
35 over the person”.

36 In line 7, delete “committed” and insert “delivered”.

37 In line 9, delete “committed” and insert “delivered”.

38 In line 10, delete “Oregon”.

39 In line 11, delete “Health Authority” and insert “agency having jurisdiction over the person
40 while the person was committed to a state hospital or a secure intensive community inpatient fa-
41 cility”.

42 On page 25, line 19, after “161.329,” insert “161.332,”.

43 In line 20, after “161.385,” insert “161.387,”.

44 In line 28, after “161.329,” insert “161.332,”.

45 In line 29, after “161.385,” insert “161.387,”.

1 In line 33, delete “persons” and insert “tier two offenders, as defined in ORS 161.332,”.

2 In line 36, after “161.329,” insert “161.332,” and after “161.385,” insert “161.387,”.

3 Delete lines 39 through 41 and insert:

4 **“SECTION 34. The Oregon Health Authority and the Psychiatric Security Review Board**
5 **shall each submit a report to the Legislative Assembly, in the manner provided in ORS**
6 **192.245, that describes the implementation and effects of this 2011 Act. The authority and the**
7 **board shall submit a report under this section no later than:**

8 **“(1) March 1 of each year; and**

9 **“(2) November 1 of each year.**

10 **“SECTION 35. Section 34 of this 2011 Act is repealed on January 1, 2016.**

11 **“SECTION 35a. Notwithstanding any other provision of law, the General Fund appropri-**
12 **ation made to the Department of Justice by section 1, chapter _____, Oregon Laws 2011**
13 **(Enrolled Senate Bill 5518), for the biennium beginning July 1, 2011, is increased by \$800,800.**

14 **“SECTION 35b. Notwithstanding any other law limiting expenditures, the limitation on**
15 **expenditures established by section 2, chapter _____, Oregon Laws 2011 (Enrolled Senate**
16 **Bill 5518), for the biennium beginning July 1, 2011, as the maximum limit for payment of ex-**
17 **penses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding**
18 **lottery funds and federal funds, collected or received by the Department of Justice, is in-**
19 **creased by \$771,501.**

20 **“SECTION 35c. Notwithstanding any other provision of law, the General Fund appropri-**
21 **ation made to the Oregon Health Authority by section 1 (1), chapter _____, Oregon Laws**
22 **2011 (Enrolled Senate Bill 5529), for the biennium beginning July 1, 2011, is increased by**
23 **\$595,041.**

24 **“SECTION 35d. Notwithstanding any other provision of law, the General Fund appropri-**
25 **ation made to the Psychiatric Security Review Board by section 1, chapter _____, Oregon**
26 **Laws 2011 (Enrolled Senate Bill 5539), for the biennium beginning July 1, 2011, is increased**
27 **by \$382,222.**

28
29 **“CONFLICT AMENDMENTS**

30
31 **“SECTION 36. If House Bill 3100 becomes law, section 12 of this 2011 Act (amending ORS**
32 **161.327) is repealed and ORS 161.327, as amended by section 3, chapter ___, Oregon Laws 2011**
33 **(Enrolled House Bill 3100), is amended to read:**

34 *“161.327. [(1) Following the entry of a judgment pursuant to ORS 161.319, the court shall order*
35 *that a person be placed under the jurisdiction of the Psychiatric Security Review Board for care and*
36 *treatment if:]*

37 *“[(a) The person was found guilty except for insanity of a felony; and]*

38 *“[(b) The court finds by a preponderance of the evidence that the person is affected by mental dis-*
39 *ease or defect and presents a substantial danger to others that requires commitment or conditional re-*
40 *lease.]*

41 *“[(2) The court shall determine whether the person should be committed or conditionally released*
42 *pending any hearing before the board as follows:]*

43 **“(1) Following the entry of a judgment pursuant to ORS 161.319, if the court finds by a**
44 **preponderance of the evidence that a person found guilty except for insanity of a felony is**
45 **affected by mental disease or defect and presents a substantial danger to others, the court**

1 **shall enter an order as follows:**

2 “(a) If the court finds that the person [*presents a substantial danger to others and*] is not a proper
3 subject for conditional release, the court shall order the person committed to a state hospital [*des-*
4 *ignated by the Oregon Health Authority if the person is at least 18 years of age,*] or, **if the person**
5 **is under 18 years of age**, to a secure intensive community inpatient facility [*designated by the au-*
6 *thority or the Department of Human Services if the person is under 18 years of age,*] for custody, care
7 and treatment [*pending hearing before the board in accordance with ORS 161.341 to 161.351*]. **When**
8 **the court orders a person committed under this paragraph, the court shall place the person**
9 **under the jurisdiction of:**

10 **“(A) The Psychiatric Security Review Board, if the person is a tier one offender.**

11 **“(B) The Oregon Health Authority, if the person is a tier two offender.**

12 “(b) If the court finds that the person [*presents a substantial danger to others but that the*
13 *person*] can be adequately controlled with supervision and treatment if conditionally released and
14 that necessary supervision and treatment are available, the court [*may*] **shall** order the person
15 conditionally released.

16 “[*(3)*] **(2)** When a person is conditionally released under this section, the person is subject to
17 those supervisory orders of the court as are in the best interests of justice, the protection of society
18 and the welfare of the person. The court shall designate a person or state, county or local agency
19 to supervise the person upon release, subject to those conditions as the court directs in the order
20 for conditional release. Prior to the designation, the court shall notify the person or agency to whom
21 conditional release is contemplated and provide the person or agency an opportunity to be heard
22 before the court. After receiving an order entered under subsection [*(2)(b)*] **(1)(b)** of this section, the
23 person or agency designated shall assume supervision of the person pursuant to the direction of the
24 Psychiatric Security Review Board. The person or agency designated as supervisor shall be required
25 to report in writing no less than once per month to the board concerning the supervised person’s
26 compliance with the conditions of release.

27 “[*(4)*] *For purposes of this section, a person affected by a mental disease or defect in a state of re-*
28 *mission is considered to have a mental disease or defect requiring supervision when the disease may,*
29 *with reasonable medical probability, occasionally become active and, when active, render the person a*
30 *danger to others.*]

31 “[*(5)*] **(3)** In determining whether a person should be conditionally released, the court:

32 “(a) May order evaluations, examinations and compliance as provided in ORS 161.336 (4) and
33 161.346 (2); [*and*]

34 “(b) Shall order that the person be examined by a local mental health program designated by
35 the board and a report of the examination be provided to the court if each felony for which the
36 defendant was found guilty except for insanity is a Class C felony[.]; **and**

37 “[*(6)*] **(c)** [*In determining whether a person should be committed to a state hospital or to a secure*
38 *intensive community inpatient facility or conditionally released, the court*] Shall have as its primary
39 concern the protection of society.

40 “[*(7)*] **(4)** Upon placing a person on conditional release, the court shall notify the board in
41 writing of the court’s conditional release order, the supervisor appointed, and all other conditions
42 of release, and the person shall be on conditional release pending hearing before the board [*in ac-*
43 *cordance with ORS 161.336 to 161.351*]. Upon compliance with this section, the court’s jurisdiction
44 over the person is terminated [*and the board assumes jurisdiction over the person*].

45 “[*(8)*] **(5)** The **total** period of [*jurisdiction of the board is equal to*] **commitment or conditional**

1 **release under ORS 161.315 to 161.351 may not exceed** the maximum sentence provided by statute
2 for the crime for which the person was found guilty except for insanity.

3 “[9] (6) An order of the court under this section is a final order appealable by the person found
4 guilty except for insanity in accordance with ORS 19.205 (5). Notwithstanding ORS 19.255, notice
5 of an appeal under this section shall be served and filed within 90 days after the order appealed from
6 is entered in the register. The person shall be entitled on appeal to suitable counsel possessing skills
7 and experience commensurate with the nature and complexity of the case. If the person is financially
8 eligible, suitable counsel shall be appointed in the manner provided in ORS 138.500 (1), and the
9 compensation for counsel and costs and expenses of the person necessary to the appeal shall be
10 determined and paid as provided in ORS 138.500.

11 “[10] (7) [Upon placing a person under the jurisdiction of the board] **Following the entry of**
12 **an order described in subsection (1) of this section**, the court shall notify the person of the right
13 to appeal and the right to a hearing before the [board] **agency exercising jurisdiction over the**
14 **person** in accordance with ORS 161.336 [(7)] (5) and 161.341 [(4)] (3).

15 **“SECTION 37. If House Bill 3100 becomes law, section 13 of this 2011 Act (amending ORS**
16 **161.328) is repealed and ORS 161.328, as amended by section 4, chapter __, Oregon Laws 2011**
17 **(Enrolled House Bill 3100), is amended to read:**

18 “161.328. (1) Following the entry of a judgment pursuant to ORS 161.319, the court [may] **shall**
19 order a person committed to a state mental hospital or other facility designated by the Oregon
20 Health Authority if:

21 “(a) Each offense for which the person is found guilty except for insanity is a misdemeanor; and

22 “(b) The court finds that the person is affected by mental disease or defect and presents a sub-
23 stantial danger to others that requires commitment.

24 “(2) The total period of commitment under this section may not exceed the maximum sentence
25 provided by statute for the crime for which the person was found guilty except for insanity.

26 “(3) If the superintendent of the state mental hospital or the director of the facility to which the
27 person is committed determines that a person committed under this section is no longer affected by
28 mental disease or defect or, if so affected, no longer presents a substantial danger to others that
29 requires commitment, the superintendent or director shall file notice of that determination with the
30 committing court. Upon filing of the notice, the superintendent or director shall discharge the per-
31 son from custody.

32 **“SECTION 38. If House Bill 3100 becomes law, section 14 of this 2011 Act (amending ORS**
33 **161.329) is repealed.**

34 **“SECTION 39.** If House Bill 3100 becomes law, section 15 of this 2011 Act is amended to read:

35 **“Sec. 15.** (1) When a person who is committed to a state hospital or a secure intensive com-
36 munity inpatient facility under ORS 161.315 to 161.351 is convicted of a crime and sentenced to a
37 term of incarceration and when the person is sentenced to a term of incarceration as a sanction for
38 violating the conditions of probation, parole or post-prison supervision, the sentencing court shall
39 stay execution of the sentence pending the conditional release or discharge of the person or the
40 expiration of the period of time described in ORS 161.327 [(6)] (5). When the person is conditionally
41 released or discharged by the agency having jurisdiction over the person under ORS 161.315 to
42 161.351, or when the maximum period of jurisdiction described in ORS 161.327 [(6)] (5) expires, the
43 stay shall be lifted by operation of law and the person shall be delivered to the custody of the De-
44 partment of Corrections or the supervisory authority to begin service of the sentence imposed.

45 “(2) When a person described in subsection (1) of this section is delivered to the custody of the

1 department or the supervisory authority as described in this section, the agency having jurisdiction
2 over the person while the person was committed to a state hospital or a secure intensive community
3 inpatient facility shall notify the department or the supervisory authority when the period of time
4 described in ORS 161.327 [(6)] (5) will expire.

5 “(3) The department or supervisory authority shall notify the Psychiatric Security Review Board
6 when the person has served the term of incarceration imposed by the court and the board shall re-
7 sume exercising active jurisdiction over the person in accordance with ORS 161.315 to 161.351.

8 “(4) As used in this section, ‘supervisory authority’ has the meaning given that term in ORS
9 144.087.

10 **“SECTION 40. If House Bill 3100 becomes law, section 16 of this 2011 Act (amending ORS**
11 **161.325) is repealed and ORS 161.325, as amended by section 9, chapter 89, Oregon Laws 2010,**
12 **and section 2, chapter __, Oregon Laws 2011 (Enrolled House Bill 3100), is amended to read:**

13 “161.325. (1) After entry of judgment of guilty except for insanity, the court shall, on the basis
14 of the evidence given at the trial or at a separate hearing, if requested by either party, [make] enter
15 an order as provided in ORS 161.327, 161.328 or 161.329, whichever is appropriate.

16 “(2) If the court [makes] enters an order as provided in ORS 161.327, it shall also:

17 “(a) Determine on the record the offense of which the person otherwise would have been con-
18 victed;

19 “(b) State on the record the mental disease or defect on which the defendant relied for the guilty
20 except for insanity defense; and

21 “(c) Make specific findings on whether there is a victim of the crime for which the defendant
22 has been found guilty except for insanity and, if so, whether the victim wishes to be notified, under
23 ORS 161.326 [(2)], of any [Psychiatric Security Review Board] hearings and orders concerning the
24 defendant and of any conditional release, discharge or escape of the defendant.

25 “(3) The court shall include any such findings in its order.

26 “(4) Except under circumstances described in ORS 137.076 (4), whenever a defendant charged
27 with any offense listed in ORS 137.076 (1) has been found guilty of that offense except for insanity,
28 the court shall, in any order entered under ORS 161.327 or 161.329, direct the defendant to submit
29 to the obtaining of a blood or buccal sample in the manner provided in ORS 137.076.

30 **“SECTION 41. If House Bill 3100 becomes law, section 33 of this 2011 Act is amended to read:**

31 **“Sec. 33. (1) Sections 9 and 15 of this 2011 Act and the amendments to ORS 21.010, 137.750,**
32 **151.216, 161.325, 161.326, 161.327, 161.328, [161.329,] 161.332, 161.336, 161.341, 161.346, 161.351,**
33 **161.375, 161.385, 161.387, 161.390, 161.395, 161.400, 162.135, 162.155, 181.740, 183.315, 183.635, 192.690,**
34 **278.315, 430.695, 809.419 and 810.375 by sections 1 to 8, 10 to [14 and 16] 11b, 17 to 30, 36, 37 and**
35 **40 of this 2011 Act become operative on January 1, 2012.**

36 “(2) The Psychiatric Security Review Board and the Oregon Health Authority may adopt rules
37 or take any other action before the operative date specified in subsection (1) of this section that is
38 necessary to enable the board or authority to exercise, on or after the operative date specified in
39 subsection (1) of this section, all the duties, functions and powers conferred on the board or au-
40 thority by sections 9 and 15 of this 2011 Act and the amendments to ORS 21.010, 137.750, 151.216,
41 161.325, 161.326, 161.327, 161.328, [161.329,] 161.332, 161.336, 161.341, 161.346, 161.351, 161.375,
42 161.385, 161.387, 161.390, 161.395, 161.400, 162.135, 162.155, 181.740, 183.315, 183.635, 192.690, 278.315,
43 430.695, 809.419 and 810.375 by sections 1 to 8, 10 to [14 and 16] 11b, 17 to 30, 36, 37 and 40 of this
44 2011 Act.

45 “(3) On the operative date specified in subsection (1) of this section, the Oregon Health Au-

1 thority shall exercise jurisdiction over tier two offenders, as defined in ORS 161.332, committed to
2 a state hospital or secure intensive community inpatient facility under ORS 161.315 to 161.351 in
3 accordance with sections 9 and 15 of this 2011 Act and the amendments to ORS 21.010, 137.750,
4 151.216, 161.325, 161.326, 161.327, 161.328, [161.329,] 161.332, 161.336, 161.341, 161.346, 161.351,
5 161.375, 161.385, 161.387, 161.390, 161.395, 161.400, 162.135, 162.155, 181.740, 183.315, 183.635, 192.690,
6 278.315, 430.695, 809.419 and 810.375 by sections 1 to 8, 10 to [14 and 16] **11b, 17 to 30, 36, 37 and**
7 **40** of this 2011 Act.

8

9

“EMERGENCY CLAUSE

10

11

**“SECTION 42. This 2011 Act being necessary for the immediate preservation of the public
12 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
13 on its passage.”.**

14
