



**HOUSE MAJORITY LEADER**

February 19, 2013

To: Chair Prozanski, Vice Chair Close, Members of the Senate Judiciary Committee

From: Representative Val Hoyle, House District 14

RE: Senate Bill 421 and Senate Bill 426

On April 22, 2011, Eugene Police Officer Chris Kilcullen attempted to stop Cheryl Kidd, a diagnosed paranoid schizophrenic, for running a red light, but she fled. As he indicated for Ms. Kidd to pull over she fired a weapon at him, killing him. Officer Kilcullen had served with the Eugene Police Department for 12 years. He was an extraordinary person and beloved police officer in our community. He is survived by his wife, Kristie, and two children.

Ms. Kidd was severely mentally ill and in need of treatment. In many cases, mental health services are only available to those individuals who are able to accept services voluntarily. When the most severely mentally ill are left untreated, their condition can deteriorate to the point that they pose a clear and present danger to themselves or others. This raises significant issues where a person has been accused of committing a crime but is found unfit to stand trial.

In Oregon, even when it is clear that the defendant committed the crime for which they have been charged, it is possible for that person to be released after only three years if that person is found to lack the capacity to stand trial. While civil commitment proceedings can be initiated, those proceedings must occur every six months in order for the person to remain committed.

As recent events have underscored, Oregon's justice system needs work in this area, particularly with respect to dangerous or homicidal offenders who are released from custody after being found "unable to aid and assist" in their own defense. Cheryl Kidd, the woman who killed Officer Chris Kilcullen, is still in the Oregon State Hospital. We remain hopeful Ms. Kidd will receive the treatment she needs but, if they are unsuccessful, she may fall into the large justice and community safety gap that we are trying to close.

SB 421 and SB 426 are an attempt to improve Oregon's statutory interface between the criminal justice system and dangerous offenders who are mentally ill. SB 421 would allow a District Attorney to initiate civil commitment proceedings if a person has committed a Measure 11 crime and has been found by the court to be unable to aid and assist in their defense. If the person is found to have a mental disease or defect and is dangerous and in need of commitment, the person will be committed to Oregon Health Authority custody for a period between one and five years. If the period exceeds two years, the person can petition the court for discharge after two years of

state hospital custody, and then in two year intervals. If the person is still in the state hospital after five years, the process would begin again.

SB 421 and SB 426 close the criminal justice system loophole for dangerous offenders who are mentally ill and unlikely to regain the ability to aid and assist in their own defense. It expands the current period for review from 180 days (about six months) to two years, avoiding meaningless reviews that are difficult for the offender and for victims and their families.