



**Testimony of Becky Straus, Legislative Director
In Opposition to SB 421 and SB 426
Senate Judiciary Committee
February 19, 2013**

Chair Prozanski and Members of the Committee:

Changes to Oregon's civil commitment law proposed in SB 421 and SB 426 are well-meaning but raise some concerns. Thank you for the opportunity to provide comments.

Oregon has endeavored over the years to craft a very limited, detailed and protective civil commitment law that is only used as a last resort and under very narrow circumstances. The ACLU has collaborated with stakeholders to stay involved in these discussions in order to ensure that Oregon maintain strong safeguards and protections before the government takes a person's fundamental right to liberty.

Though crafted with the best of intentions, SB 421 seems to create a new process separate and apart from the current civil commitment system. The new process would direct a court to determine whether a person's mental disease or defect is the cause of his or her dangerousness. Commitment could last up to five years. SB 426, too, raises some concerns. For persons who have been found unable to aid and assist for even a minor crime, the bill would allow for their re-commitment for two years – longer than the traditional 180 days under current law.

We recognize that these are very difficult, often emotional, conversations to determine how and if we should make changes to our existing structure. The ACLU has been involved in discussions with other interested organizations, including Disability Rights Oregon, the Oregon Criminal Defense Lawyers Association, and NAMI Oregon, and we defer to their expertise in this area and support their comments to the committee today.

Thank you for the opportunity to express our interest. And please feel free to be in touch with questions.