

**HOUSE AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2594
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By JOINT COMMITTEE ON WAYS AND MEANS

July 3

- 1 On page 1 of the printed A-engrossed bill, line 2, delete “and”.
- 2 Delete lines 3 through 9 and insert “426.070, 426.130 and 426.237; and appropriating money.”.
- 3 Delete lines 11 through 25.
- 4 On page 2, delete lines 1 through 41.
- 5 In line 42, delete “1a” and insert “1” and delete “1b” and insert “2”.
- 6 In line 44, delete “1b” and insert “2”.
- 7 On page 3, line 27, delete “shall” and insert “may”.
- 8 Delete lines 33 and 34 and insert:
- 9 “(6) This section does not:
- 10 “(a) Prevent a court from appointing a guardian ad litem to act for the person; or
- 11 “(b) Require a county to provide treatment or services to, or supervision of, the person if the
- 12 county lacks sufficient funds for such purposes.”.
- 13 In line 35, delete “1c” and insert “3”.
- 14 On page 4, line 26, delete “1b” and insert “2”.
- 15 On page 5, line 15, delete “1d” and insert “4”.
- 16 On page 6, line 2, delete “1b” and insert “2”.
- 17 In line 13, delete “1e” and insert “5”.
- 18 On page 8, delete lines 39 through 45 and delete pages 9 through 72 and insert:
- 19 **“SECTION 6. If Senate Bill 426 becomes law, section 4 of this 2013 Act (amending ORS**
- 20 **426.130) is repealed and ORS 426.130, as amended by section 30, chapter 360, Oregon Laws 2013**
- 21 **(Enrolled Senate Bill 426), is amended to read:**
- 22 “426.130. (1) After hearing all of the evidence, and reviewing the findings of the examiners, the
- 23 court shall determine whether the person has a mental illness and is in need of treatment. If, in the
- 24 opinion of the court, the person:
- 25 “[*(a) Does not have a mental illness, the person shall be discharged forthwith.*]
- 26 “[*(b) (a) Is a person with mental illness based upon clear and convincing evidence, the court:*
- 27 “(A) Shall order the release of the person and dismiss the case if:
- 28 “(i) The person is willing and able to participate in treatment on a voluntary basis; and
- 29 “(ii) The court finds that the person will probably do so.
- 30 “(B) May order conditional release under this subparagraph subject to the qualifications and
- 31 requirements under ORS 426.125. If the court orders conditional release under this subparagraph,
- 32 the court shall establish a period of commitment for the conditional release.
- 33 “(C) May order commitment of the person with mental illness to the Oregon Health Authority
- 34 for treatment if, in the opinion of the court, subparagraph (A) or (B) of this paragraph is not in the

1 best interest of the person. If the court orders commitment under this subparagraph:

2 “(i) The court shall establish a period of commitment.

3 “(ii) The authority may place the committed person in outpatient commitment under ORS
4 426.127.

5 “(D) Shall order that the person be prohibited from purchasing or possessing a firearm if, in the
6 opinion of the court, there is a reasonable likelihood the person would constitute a danger to self
7 or others or to the community at large as a result of the person’s mental or psychological state as
8 demonstrated by past behavior or participation in incidents involving unlawful violence or threats
9 of unlawful violence, or by reason of a single incident of extreme, violent, unlawful conduct. When
10 a court makes an order under this subparagraph, the court shall cause a copy of the order to be
11 delivered to the sheriff of the county who will enter the information into the Law Enforcement Data
12 System.

13 “(b) **Is not a person with mental illness, the court shall release the person from custody**
14 **if the person has been detained under ORS 426.070, 426.180, 426.228, 426.232 or 426.233 and:**

15 “(A) **Dismiss the case; or**

16 “(B) **Order the person to participate in assisted outpatient treatment in accordance with**
17 **section 2 of this 2013 Act. The court may continue the proceeding for no more than seven**
18 **days to allow time for the community mental health program director to develop the person’s**
19 **assisted outpatient treatment plan.**

20 “(2) A court that orders a conditional release, [or] a commitment **or assisted outpatient**
21 **treatment** under this section shall establish a period of commitment **or treatment** for the person
22 subject to the order. Any period of commitment ordered for commitment or conditional release under
23 this section shall be for a period of time not to exceed 180 days. **A period of assisted outpatient**
24 **treatment shall be for a period of time not to exceed 12 months.**

25 “(3) If the commitment proceeding was initiated under 426.070 (1)(a) and if the notice included
26 a request under ORS 426.070 (2)(d)(B), the court shall notify the two persons of the court’s deter-
27 mination under subsection (1) of this section.

28 “**SECTION 7. In addition to and not in lieu of any other appropriation, there is appro-**
29 **priated to the Judicial Department for the biennium beginning July 1, 2013, out of the Gen-**
30 **eral Fund, the amount of \$100,000, which may be expended for carrying out the department’s**
31 **duties under this 2013 Act.”.**