



DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

**MEMORANDUM**

DATE: March 17, 2015

TO: Honorable Jeff Barker, Chair  
House Committee on Judiciary

FROM: Aaron Knott, Legislative Director

SUBJECT: HB 2420 – Community Treatment for Aid and Assist Restoration

This testimony supports HB 2420.

**BACKGROUND**

ORS 161.360-370 describe the circumstances under which a person may be sent to the state hospital upon a finding of incapacitation due to reason of mental disease or defect for the purpose of being restored to the ability to aid and assist their attorney in their defense. While the Oregon State Hospital is generally considered to be the default option for the restoration of capacity, these statutes contemplate that a defendant may be treated in the community if appropriate treatment options are available. ORS 161.370 currently directs that a defendant shall be committed to the state hospital only when the services or supervision necessary to restore the defendant's fitness to proceed are not available in the community. Despite this statutory directive, county community treatment options report that courts do not always engage in an inquiry of community treatment providers to determine whether community treatment is available.

**HB 2420 SUPPORTS COMMUNITY BASED TREATMENT AND SAVES SCARCE STATE HOSPITAL BEDS FOR INSTANCES OF UTMOST NECESSITY**

Community treatment of persons suffering from severe mental illness is both less disruptive and less expensive than the quasi-custodial environment of the Oregon State Hospital. A person treated in the community retains access to family, friends, employment and other important community supports which help that person maximize their chances of success both within and apart from their engagement with the criminal justice system. HB 2420 requires a court to consult with community treatment options prior to sending a person to OSH under 161.370 but does not require the court to accept their recommendation.

The Department of Justice supports the passage of HB 2420.

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