



Oregon

Kate Brown, Governor

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TO: [Rep. Jeff Barker](#), Chair
House Judiciary Committee, State of Oregon

FR: Juliet Britton, J.D.
Executive Director
Psychiatric Security Review Board (PSRB)

RE: Testimony for April 2, 2015 Hearing on HB 2557A-Engrossed (PSRB mission and setting aside GEI orders)

Chair Barker, Vice-Chairs Olson and Williamson. I am Juliet Britton, Executive Director of the PSRB. HB 2557 provides an opportunity for those who are found guilty or responsible except for insanity of certain offenses to request expungement under certain conditions. The bill is intended to allow those individuals who are healthy and stable in their recovery who have little, if any, prior criminal or GEI history, to request removal of the GEI/REI finding that exists in their criminal history. HB 2557 is analogous to the statutory provision found in ORS 137.225 that allows for expungement of criminal convictions.

As you can imagine, even if certain clients are doing well for an extended period of time, the GEI finding or arrest in their criminal histories can cause significant barriers to housing and employment opportunities for those clients. Both housing and employment are known to mitigate risk related to mental health decompensation.

This bill recognizes that a "GEI" finding is distinguishable from a criminal conviction which is also supported by the case law set forth in two Oregon Court of Appeal's cases: *State v. Gile*, 161 Or. App. 146 (1999) and *State v. Saunders*, 97 P.3d 1261, 195 Or. App. 357 (Or. App., 2004). The law is clear - when a defendant is found guilty except for insanity, it is not considered to be a conviction for any purpose.

One matter that I would like to raise is that as drafted, all records pertaining to the GEI would have to be destroyed if expungement is granted – even records maintained by Oregon State Hospital, PSRB, State Hospital Review Panel and the county mental health agency that supervised the expunged client. These records all have important clinical history and risk documentation that are critical to treat a patient if the individual were to ever re-enter the mental health or criminal justice system in the future. This Committee may want to consider adding a provision that would explicitly mandate these agencies to keep the records sealed unless the client re-enters the criminal justice system or receives mental health services from these agencies after the expungement is granted.

Thank You. I would be glad to answer any questions.