



May 20, 2015

TO: Senator Floyd Prozanski, Chair  
Senate Judiciary Committee  
FR: Bob Joondeph, Executive Director  
RE: HB 3347A

Disability Rights Oregon (DRO) is Oregon's federally-funded *Protection and Advocacy* office that provides legal-based advocacy services to Oregonians with disabilities.

We would like to thank Representative Hoyle for reaching out to us and giving full consideration to our ideas on how HB 3347 could be improved. The problem she posed is that an individual with a psychiatric disability in Lane County is living in squalor which endangers her life but local authorities contend that this person does not meet the criteria for civil commitment. The particular criteria being interpreted by the officials states that a person may be committed who, "because of a mental disorder" is "unable to provide for basic personal needs and is not receiving such care as is necessary for health or safety."

DRO does not know the individual involved and whether her living conditions are truly life-threatening. DRO has long opposed the use of civil commitment to force a person into custody and treatment if they choose a life that most people would find undesirable, unhealthy and even repellent. We recognize, however, that our law has chosen to allow the exercise of state power when a person is clearly and seriously endangering themselves as the result of a mental disorder.

The "basic personal needs" standard in law has been with us for over forty years. To the extent that it is interpreted differently in different jurisdictions, we believe that its intention could be stated more clearly. HB 3347A does, in our opinion, do that.

Under this standard set forth in HB 3347A, the harm must be serious, must be very close in time and must be addressable by a mental health intervention. DRO believes that any state intervention should be used sparingly and in the least intrusive manner in order to minimize the trauma that accompanies the use of force.

The rephrasing in HB3347A should not be interpreted to broaden the commitment criteria to allow communities to remove unwelcome and problematic citizens. Rather, in our assessment, it should be read as an attempt to be more precise about which citizens are at such a serious level of present risk as to require the extraordinary exercise of pre-emptive governmental power.