

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3347**

1 On page 1 of the printed bill, line 2, after “426.005” delete the rest of the  
2 line and insert a period.

3 Delete lines 4 through 32 and delete pages 2 through 4 and insert:

4 **“SECTION 1.** ORS 426.005 is amended to read:

5 “426.005. (1) As used in ORS 426.005 to 426.390, unless the context requires  
6 otherwise:

7 “(a) ‘Community mental health program director’ means the director of  
8 an entity that provides the services described in ORS 430.630 (3) to (5).

9 “(b) ‘Director of the facility’ means a superintendent of a state mental  
10 hospital, the chief of psychiatric services in a community hospital or the  
11 person in charge of treatment and rehabilitation programs at other treatment  
12 facilities.

13 “(c) ‘Facility’ means a state mental hospital, community hospital, resi-  
14 dential facility, detoxification center, day treatment facility or such other  
15 facility as the authority determines suitable that provides diagnosis and  
16 evaluation, medical care, detoxification, social services or rehabilitation to  
17 persons committed to the Oregon Health Authority under ORS 426.130.

18 “(d) ‘Nonhospital facility’ means any facility, other than a hospital, that  
19 is approved by the authority to provide adequate security, psychiatric, nurs-  
20 ing and other services to persons under ORS 426.232 or 426.233.

21 “(e) ‘Person with mental illness’ means a person who, because of a mental  
22 disorder, is one or more of the following:

1       “(A) Dangerous to self or others.

2       “(B) Unable to provide for basic personal needs, **including, but not**  
3 **limited to, being at risk of serious physical harm in the near future**  
4 **as a result of the person failing to provide for the basic personal needs**  
5 **that must be met to ensure the person’s health or safety,** and is not  
6 receiving such care as is necessary for health or safety.

7       “(C) A person:

8       “(i) With a chronic mental illness, as defined in ORS 426.495;

9       “(ii) Who, within the previous three years, has twice been placed in a  
10 hospital or approved inpatient facility by the authority or the Department  
11 of Human Services under ORS 426.060;

12       “(iii) Who is exhibiting symptoms or behavior substantially similar to  
13 those that preceded and led to one or more of the hospitalizations or inpa-  
14 tient placements referred to in sub-subparagraph (ii) of this subparagraph;  
15 and

16       “(iv) Who, unless treated, will continue, to a reasonable medical proba-  
17 bility, to physically or mentally deteriorate so that the person will become  
18 a person described under either subparagraph (A) or (B) of this paragraph  
19 or both.

20       “(f) ‘Prehearing period of detention’ means a period of time calculated  
21 from the initiation of custody during which a person may be detained under  
22 ORS 426.228, 426.231, 426.232 or 426.233.

23       “(2) Whenever a community mental health program director, director of  
24 the facility, superintendent of a state hospital or administrator of a facility  
25 is referred to, the reference includes any designee such person has designated  
26 to act on the person’s behalf in the exercise of duties.”.

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