



Testimony

HB 2307

March 20, 2017

Presenter: Micky Logan, Legal Affairs Director, Oregon State Hospital, Oregon Health Authority

Good afternoon Chair Barker and members of the committee: I am Micky Logan, Legal Affairs Director at the Oregon State Hospital.

I am here to testify in support of HB 2307, which clarifies that a full competency evaluation, also called fitness to proceed, or “.370,” evaluation, is not needed in order to conduct an evaluation for “Guilty Except for Insanity,” or GEI.

When someone pleads “Guilty Except for Insanity,” it means they claim they were suffering from severe mental illness at the time of their crime. In many cases, this is a short period of incoherence, followed by restored lucidity. Many attorneys erroneously believe that a full competency evaluation is necessary to conduct a GEI evaluation. However, the two kinds of evaluations are very different.

GEI evaluations assess whether someone was too mentally ill at the time they committed the crime to understand the consequences of their actions.

Competency evaluations assess if defendant is able or not able to aid and assist (ORS 161.370) in their own defense at the time of trial.

HB 2307 is consistent with the clinical and forensic standards for certified evaluators, who are trained to not proceed with a GEI evaluation if the defendant’s competency to aid and assist comes into question during the GEI evaluation.

Oregon State Hospital and the Oregon Health Authority support this bill and request your support as well. Thank you.