

SB 64 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 5/8

WHAT THE MEASURE DOES:

Replaces the term "mental disease or defect" with the term "qualifying mental disorder," for purposes of diminished capacity defense, guilty except for insanity (GEI) plea and post-adjudication jurisdiction of persons found GEI. Includes preamble describing legislative intent to replace term without making substantive change to law.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Mental health issues can arise in criminal cases in a number of ways. A defendant may, for example, assert a diminished capacity defense or plead guilty except for insanity (GEI). In addition, a person adjudicated GEI may be discharged from state jurisdiction when they are no longer affected by a qualifying mental illness. Since the adoption of the 1971 Oregon Criminal Code, the underlying mental illness has been described as a "mental disease or defect." Senate Bill 64-A replaces this phrase with the phrase "qualifying mental disorder" and includes a preamble describing the legislative intent to modernize terminology, without changing the underlying law.