



May 8, 2017

TO: Representative Jeff Barker, Chair  
House Committee on Judiciary  
FR: Bob Joondeph, Executive Director  
RE: SB 64-A

Disability Rights Oregon (DRO) is Oregon's nonprofit *Protection and Advocacy* office that provides legal-based advocacy to Oregonians with disabilities. For the past 30 years, DRO has regularly monitored Oregon's state hospitals and represented the interests of residents who raise issues of abuse, neglect or rights violations. Among those residents are those committed to the PSRB.

SB 64-A may have no practical effect upon those who are, or may in the future become, under PSRB jurisdiction. It will demonstrate, however, that Oregon deems it respectful to all of its citizens to move beyond anachronistic and demeaning language in its laws. SB 64-A does an excellent job in changing offensive words without changing policy. Or, to quote the bill:

- Whereas the current Oregon Criminal Code was written in 1971 and included the defined term "mental disease or defect"; and
- Whereas the term "mental disease or defect" has origins in mid-19th century English common law; and
- Whereas the term "mental disease or defect" may carry a negative connotation; and
- Whereas the meaning of the term "mental disease or defect" has been interpreted in multiple court decisions since enactment into law; and
- Whereas the Legislative Assembly intends to preserve the validity of all previous court decisions interpreting or otherwise involving the term "mental disease or defect"; and
- Whereas the purpose of this 2017 Act is to replace the term "mental disease or defect" with the term "qualifying mental disorder" and to retain the meaning of the replaced term, without making a substantive change to Oregon law;

Therefore, be it enacted. Thank you for this opportunity to testify.