



Testimony

HB 2308

June 26, 2017

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

Good afternoon Chair Burdick, Vice Chair Ferrioli, and members of the committee: I am Micky Logan, Legal Affairs Director at the Oregon State Hospital (OSH).

I am here to testify in support of HB 2308, which would give OSH patients under Aid and Assist orders credit for time in jail. Currently, defendants cannot be committed for longer than three years or a period of time equal to the maximum sentence if the defendant had been convicted, whichever is shorter. These time periods are measured from the defendant's initial commitment date.

The Attorney General's office has advised OSH that patients committed pursuant to ORS 161.370 (".370" patients) cannot get credit for time they spend in jail unless the court explicitly orders that they get credit. In other words, the statute only gives them credit for time spent at the hospital.

This is different than how the statutes treat patients who have been found guilty except for insanity, or GEI. These patients do get credit for time spent in jail toward their "sentence" under the jurisdiction of the Psychiatric Security Review Board.

HB 2308 amends ORS 161.370 so that Aid and Assist patients will automatically get credit for time in jail.

As you know, the –B7 amendment would prohibit defendants charged with aggravated murder or murder from receiving the credit. In addition, it would require the judge to "opt out" of giving credit to other defendants facing Measure 11 crimes.

Oregon State Hospital and the Oregon Health Authority support this bill and the –B7 amendment and request your support as well. Thank you.