



## **The Oregon Psychological Association supports SB 64**

For decades, Oregon statutes have referred to diagnoses related to mental health as “mental disease or defect,” terms which are not clear and which also serve to stigmatize those to whom these terms are applied. The lack of clarity of these terms has led to multiple cases of these terms needing to be further clarified in litigation and case law, as evidenced by *Tharp v. Psychiatric Security Review Board (2005)*, *Martin v. Psychiatric Security Review Board (1991)*, and *Rios v. Psychiatric Security Review Board (1997)*. Additionally, referring to people as being “mentally defective” or having a “mental disease” stigmatizes them by essentially referring to them as being “defective” or “diseased.” Senate Bill 64 will update language throughout Oregon criminal and select juvenile statutes to refer to “qualifying psychiatric or developmental condition” rather than the current “mental disease or defect.” These terms are more appropriate in their description, less stigmatizing of those who are diagnosed, and consistent with previously litigated cases.

The Oregon Psychological Association (OPA) has reviewed Senate Bill 64 and is in support of both the goals and the means by which they are being obtained. We believe that making these changes removes an implicit statement of negativity in the form of the words “disease” and “defect,” while replacing them with the word, “condition,” which notes the reality that these conditions can be stabilized and improved. Additionally, by including the word “qualifying,” it clarifies the legislative intent behind the terms, rather than relying on the case law history.

Given these issues, OPA supports Senate Bill 64 and respectfully requests that the committee vote to pass.

OPA 147 SE 102<sup>nd</sup> Avenue Portland, OR 97216 503.253.9155  
800.541.9798 [info@opa.org](mailto:info@opa.org) [www.opa.org](http://www.opa.org)