

SB 65 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Action Date: 04/18/17

Action: Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Eliminates Oregon Health Authority jurisdiction over persons found guilty except for insanity of a crime and classified as tier two offenders. Transfers jurisdiction to Psychiatric Security Review Board (PSRB), effective July 1, 2018. Directs PSRB to develop restorative justice program to assist recovery of crime victims. Provides that documents or communications used in program are confidential and may not be disclosed to or used by PSRB members or any other person for purposes unrelated to the program, are inadmissible in administrative or judicial proceedings and do not constitute public records for purposes of Oregon's Public Records Law. Authorizes PSRB to contract with nonprofit organization to administer the program. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Use of restorative justice in other countries, states and cities, as well as Department of Corrections
- New application involving persons with mental illness
- Use of materials in PSRB hearings; protection of records

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Current law places persons found guilty except for insanity of a crime under the jurisdiction of the Psychiatric Security Review Board (PSRB) or the Oregon Health Authority (OHA), based on the crime for which the person was found guilty except for insanity. ORS 161.332 classifies offenders in two tiers; tier one offenders have been found guilty except for insanity of a crime listed in ORS 137.700, which includes Ballot Measure 11 (1994) crimes, and are placed under the jurisdiction of the PSRB. The remainder of offenders are classified as tier two offenders and are placed under the jurisdiction of the OHA. Senate Bill 65-A consolidates all persons found guilty except for insanity of a felony under the jurisdiction of the PSRB. In addition, Senate Bill 65-A gives the PSRB express authority to establish a restorative justice program to assist the recovery of crime victims.