

**SB 65 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Malstrom

**Joint Committee On Ways and Means**

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**Action Date:** 05/19/17

**Action:** Do Pass the A-Eng bill.

**House Vote**

**Yeas:** 11 - Gomberg, Holvey, Huffman, McLane, Nathanson, Rayfield, Smith G, Smith Warner, Stark, Whisnant, Williamson

**Senate Vote**

**Yeas:** 11 - DeBoer, Devlin, Frederick, Girod, Johnson, Manning Jr, Monroe, Roblan, Steiner Hayward, Thomsen, Winters

**Exc:** 1 - Hansell

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Linda Ames, Budget Analyst

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**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 subsequent administrative or judicial proceedings and are exempt from disclosure to public or to Board members. Authorizes PSRB to contract with nonprofit organization to administer the program. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Use of restorative justice programs
- Decline in numbers of guilty except for insanity patients at the State Hospital over time

**EFFECT OF AMENDMENT:**

No amendment.

**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. SB 65 consolidates all persons found guilty except for insanity of a felony and committed to the Oregon State Hospital under the jurisdiction of the PSRB. In addition, the measure gives the PSRB express authority to establish a restorative justice program to assist the recovery of crime victims.