

SB 64 B STAFF MEASURE SUMMARY

Carrier: Rep. Greenlick

House Committee On Judiciary

Action Date: 05/30/17

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 10-0-1-0

Yeas: 10 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Sprenger, Vial, Williamson

Exc: 1 - Stark

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Replaces the term "mental disease or defect" with the term "qualifying mental disorder," for purposes of diminished capacity defense, guilty except for insanity (GEI) plea and post-adjudication jurisdiction of persons found GEI. Includes provision describing legislative intent to replace term without making substantive change to law.

ISSUES DISCUSSED:

- Stigma associated with "mental disease or defect"
- Diagnostic and Statistical Manual of Mental Disorders
- Preamble vs. statute

EFFECT OF AMENDMENT:

Moves expression of legislative intent from preamble to statute.

BACKGROUND:

Mental health issues can arise in criminal cases in a number of ways. A defendant may, for example, assert a diminished capacity defense or plead guilty except for insanity (GEI). In addition, a person adjudicated GEI may be discharged from state jurisdiction when he or she is no longer affected by a qualifying mental illness. Since the adoption of the 1971 Oregon Criminal Code, the underlying mental illness has been described as a "mental disease or defect." Senate Bill 64-B replaces this phrase with the phrase "qualifying mental disorder" and includes a provision describing the legislative intent to modernize terminology, without changing the underlying law.