

SB 64 B* STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Conference Committee On SB 64

Action Date: 06/27/17

Action: Senate concur in House Amendments dated 06-06, further amend and repass.

Senate Vote

Yeas: 2 - Dembrow, Prozanski

Exc: 1 - Thatcher

House Vote

Yeas: 3 - Barker, Greenlick, Vial

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Replaces term "mental disease or defect" with 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 preamble describing legislative intent to replace term without making substantive change to law.

ISSUES DISCUSSED:

- Provisions of the bill

EFFECT OF AMENDMENT:

Replaces statutory provision describing legislative intent with preamble describing legislative intent.

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 they are 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* updates statutory terminology by replacing the phrase "mental disease or defect" with the phrase "qualifying mental disorder." The bill also contains a preamble describing the legislative intent to replace a phrase that may carry a negative connotation, without making a substantive change to Oregon law.