

Requested by HOUSE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 64**

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon in-
2 sert “creating new provisions; and”.

3 Delete lines 6 through 17.

4 After line 18, insert:

5 **“SECTION 1. (1) The Legislative Assembly finds that:**

6 **“(a) The current Oregon Criminal Code was written in 1971 and in-**
7 **cluded the defined term ‘mental disease or defect’;**

8 **“(b) The term ‘mental disease or defect’ has origins in mid-19th**
9 **century English common law;**

10 **“(c) The term ‘mental disease or defect’ may carry a negative**
11 **connotation;**

12 **“(d) The meaning of the term ‘mental disease or defect’ has been**
13 **interpreted in multiple court decisions since enactment into law; and**

14 **“(e) It is necessary to replace the term ‘mental disease or defect’**
15 **with a new term while preserving the validity of all previous court**
16 **decisions interpreting or otherwise involving the term ‘mental disease**
17 **or defect.’**

18 **“(2) In consequence of the findings described in subsection (1) of**
19 **this section, the purpose of this 2017 Act is to replace the term ‘mental**
20 **disease or defect’ with the term ‘qualifying mental disorder’ and to**
21 **retain the meaning of the replaced term, without making a substan-**

1 **tive change to Oregon law.”.**

2 In line 19, delete “1” and insert “1a”.

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