



Testimony in Strong Support of SB 763

TO: Senate Committee on Judiciary
FROM: Treatment Advocacy Center
HEARING: Monday March 18, 2019 at 8:00 am, Hearing Room C

Dear Chair Prozanski, Vice-Chair Thatcher, and members of the Committee on Judiciary:

The Treatment Advocacy Center is a national nonprofit dedicated to eliminating barriers to treatment for individuals with severe mental illness. We analyze the laws of each state to identify legislative changes that remove obstacles to timely and effective treatment for individuals in the appropriate and least-restrictive setting. Oregon families seeking help for loved ones contact us in desperate frustration that a person in obvious crisis often is not admitted or is discharged too quickly, leading to tragic outcomes for all.

I am writing to express my strong support for SB 763. Oregon is one of only five states that does not provide a definition of 'danger to self or others.' In this regard it truly is an outlier among the states. The vagueness of the statute has led to a highly restrictive interpretation of the law by the courts in the absence of a clear statement of legislative intent.

Apart from judicial interpretation, providing a definition of 'danger to self or others' will give much-needed guidance and continuity for crisis responders, law enforcement, emergency physicians and other practitioners. Frontline workers should not be expected to follow case law in order to be able to assess whether an individual meets criteria; it should be clearly laid out in the law they are expected to carry out. In addition, whether a person meets criteria should not depend on the part of Oregon in which he or she is physically located when a crisis arises.

It is the proper role of the legislature, as the elected representatives of Oregonians, to articulate what it intends in this area of the law. As Justice Brewer indicates in his sage testimony, it is the vagueness of the statute that created the need for the courts to attempt to interpret what the phrase 'danger to self or others' means. This can be corrected with an affirmative statement of intent.

SB 763 is the product of lengthy stakeholder engagement to articulate a better way forward, with a candid acknowledgement by all that the status quo is failing Oregonians with severe mental illness. It followed an exhaustive review of language used in other states seeking elements that will work best in Oregon's current statutory framework.

The Treatment Advocacy Center strongly supports passage of SB 762. We would be happy to provide any additional research or information that might be helpful in your consideration of this bill.

We thank you again for providing a forum for public deliberation on these important issues for Oregonians.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Dailey".

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