

SB 762 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 3/29, 4/5, 4/8

WHAT THE MEASURE DOES:

Extends from five days to fifteen days the time in which a person who is believed to be a danger to self or others may be held for emergency treatment. Specifies person has right to counsel. Provides process for person to request a hearing on the need for detention, no later than five days after the person is detained, and requires hearing within five days of written request. Requires court to provide written decision as to whether probable cause existed to detain the person as a person with a mental illness in need of treatment.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces measure. Extends length of involuntary hold for person dangerous to self or others from five days to ten days.

BACKGROUND:

Under current Oregon law, a person may be held in a hospital or facility for mental health treatment if a licensed independent practitioner believes the person is dangerous to self or to any other person and is in need of emergency care or treatment for mental illness. Currently, the period for involuntary detention is for not more than five judicial days following admission. In a handful of other states, this period can be over two weeks. In states with a longer initial hold period, safeguards to ensure the person has prompt access to the court exist.

Senate Bill 762 extends Oregon's 5 day detention period to 15 days. The measure allows a person who is detained to make a written request, either on their own or through a friend, family, or attorney, for a hearing on the need for the detention. A probable cause hearing must be held within five days of the request to determine whether probable cause exists to detain the person as a person with mental illness who is in need of treatment.