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To: Chair Williamson, Distinguished Members of the House Judiciary Committee
From: Jay D. Hall, Senior Prosecutor, Lane County District Attorney, Major Crimes Unit
Re: *Senate Bill 24 Work Group*

Honorable Chair Williamson,

As a criminal practitioner, I was tasked to be a legal advisor to the Senate Bill 24 Work Group which last summer endeavored to address the monumental task of reducing utilization of the Oregon State Hospital. As you know a defendant facing criminal charges has a pantheon of protections in both the Oregon State and U.S. Constitutions. Among those protections a defendant is guaranteed a right to understand the nature of the proceedings against them, the right to assist and cooperate with counsel and a right to participate in the defense. These rights are only meaningful when a defendant has sound mental fitness and the capacity to assist and participate in their defense. Because the Oregon State Hospital is the primary facility within the state with the duty to help a defendant gain or regain fitness the challenges to this work group has been how to reduce utilization without failing the defendants that need the Oregon State Hospital restoration services most.

What the work group has placed before you in Senate Bill 24 is an attempt to give Court the ability to identify and prioritize treatment for those who are dangerous to their community, those who in a mental health professional's opinion need a hospital level of care, those who face the most serious charges and those who would benefit most from utilization of the Oregon State Hospital in-patient services. For those who do not fit these criteria, Senate Bill 24 is designed to give the Court a variety of options to utilize other appropriate resources either to restore defendant's fitness utilizing community resources, initiate a civil commitment, or to dismiss criminal charges if appropriate.

Senate Bill 24 is meant to strike a balance of utilization of appropriate resources while simultaneously respecting the needs and safety of the community, the dignity and privacy of those who suffer from a mental health issue and the finite resources of the State or Oregon.

Those of us on the work group understand that to be effective Senate Bill 24 is designed to pass concomitantly with adequate funding for local restoration services. The challenges of this concept will require that local restoration services avail themselves to the jurisdiction of their local Circuit Court and work collaboratively with all stakeholders in the system in order to achieve the goal of using local resources effectively. Senate Bill 24 does recognize the paramount goal is respecting a defendant's right to complete restoration and their exists within the bill the failsafe that gives the Court the ability to direct those who most need it, those who are constitutionally entitled to it, the continued access to the State Hospital as it is needed.

This committee should be aware that inasmuch as the tac-3 amendments reflect the general consensus of the workgroup, there are a few wordsmithing changes that are still expected to take place with Legislative Counsel. I look forward to continuing to work with the group through one more draft and I also just want to take a moment to recognize the yeoman's job of leadership Addie Smith has done in wrangling a group of unlikely collaborators from last summer to this, getting them to voice their concerns, work through the concerns of others and push the boundaries of their own perspectives until it does coalesce into a vision that is workable for all stakeholders.

Thank you Chair Williamson and thank you Addie

Sincerely,

Jay D. Hall, Senior Prosecutor, Deputy District Attorney
Lane County District Attorney's Office
Workgroup representative of the Oregon District Attorney's Association