

**SB 297 A STAFF MEASURE SUMMARY**

Carrier: Rep. Greenlick

**House Committee On Judiciary****Action Date:** 05/02/19**Action:** Do Pass the A-Eng bill.**Vote:** 8-0-3-0**Yeas:** 8 - Bynum, Gorsek, Greenlick, McLane, Piluso, Power, Stark, Williamson**Exc:** 3 - Barker, Lewis, Sprenger**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Addie Smith, Counsel**Meeting Dates:** 4/30, 5/2**WHAT THE MEASURE DOES:**

Permits judges of federally recognized Indian tribes in Oregon to initiate civil commitment procedures under state statute. Expands the application of the statute that permits emergency commitment of individuals in Indian country to all federally recognized Indian tribes in Oregon.

**ISSUES DISCUSSED:**

- Affected population
- Civil jurisdiction in Indian country
- Current law

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Oregon has nine federally recognized Indian tribes. These tribes are independent sovereign governments which, like other governments, have inherent authority to govern their citizens and see to their health, safety, and welfare through governmental means. This authority includes judicial decision-making.

Under current Oregon law, tribes cannot directly commit individuals in Indian country to the Oregon Health Authority. Local health officers, magistrates, or two concerned citizens can initiate the civil commitment process, but tribal judges are not authorized to initiate a civil commitment. Further, the statute that provides a process for tribal judges to make emergency civil commitments for individuals in Indian country, triggering the commitment process in circuit court, is limited in scope to those tribes where the state does not have civil jurisdiction under Public Law 83-280. In Oregon, those are the Confederated Tribes of Warm Springs and the Burns Paiute Tribe.

Through the government-to-government process, the Confederated Tribes of the Umatilla Indian Reservation collaborated with the Governor's Office, the Oregon Department of Justice, and the Oregon Health Authority to create a process for all federally recognized tribal courts to facilitate civil commitments.

Senate Bill 297 A is the result of that government-to-government effort. It includes all of Oregon's federally recognized tribes in the statute providing authority to initiate commitment proceedings, ORS 426.070, and in the statute providing for emergency commitment in Indian country, ORS 426.180.