

SENATE AMENDMENTS TO SENATE BILL 25

By COMMITTEE ON JUDICIARY

March 22

1 On page 1 of the printed bill, line 2, delete the first “and”.

2 In line 3, after “161.370” insert “; and declaring an emergency”.

3 Delete lines 7 through 11 and insert:

4 **“SECTION 2. (1) Unless otherwise prohibited by law or for good cause, all public bodies,**
5 **as defined in ORS 174.109, and any private medical provider in possession of records con-**
6 **cerning the defendant, shall, within five business days of receipt of the order, comply with**
7 **a court order for the release of records to the state mental hospital or other facility desig-**
8 **ned by the Oregon Health Authority for the purpose of conducting an examination or**
9 **evaluation under ORS 161.365 or 161.370.**

10 **“(2) Notwithstanding subsection (1) of this section, the Oregon Youth Authority, the**
11 **Department of Corrections, a community college district, a community college service dis-**
12 **trict, a public university, a school district or an education service district may, after noti-**
13 **fying the state hospital or other facility designated by the Oregon Health Authority, comply**
14 **with the court order within 15 business days of receipt of the order without good cause.**

15 **“(3) As used in this section, in the case of a community college district, a community**
16 **college service district, a public university, a school district or an education service district,**
17 **‘business day’ does not include any day on which the central administration offices of the**
18 **district or university are closed.”.**

19 In lines 19 through 23, restore the bracketed material and delete the boldfaced material.

20 On page 2, line 4, delete “shall” and insert “may”.

21 After line 5, insert:

22 **“(6)(a) Reports and evaluations conducted under this section are confidential and may be made**
23 **available only:**

24 **“(A) To the court, prosecuting attorney, defense attorney, defendant, community mental health**
25 **program director or designee and facility in which the defendant is housed; or**

26 **“(B) As ordered by a court.**

27 **“(b) A facility in which a defendant is housed may not use a report or evaluation conducted**
28 **under this section to support a disciplinary action against the defendant.”.**

29 In line 8, delete “its assistance” and insert “assist it”.

30 Delete lines 21 and 22 and insert:

31 **“(b) The court shall provide a copy of any order entered under this subsection to the community**
32 **mental health program director or designee and to the state mental hospital or other facility by the**
33 **end of the next judicial day.”.**

34 In line 40, after “attorney” insert “, to the community mental health program director or
35 designee”.

1 On page 3, after line 9, insert:
2 “(7)(a) Reports and evaluations conducted under this section are confidential and may be made
3 available only:
4 “(A) To the court, prosecuting attorney, defense attorney, defendant, community mental health
5 program director or designee and facility in which the defendant is housed; or
6 “(B) As ordered by a court.
7 “(b) A facility in which a defendant is housed may not use a report or evaluation conducted
8 under this section to support a disciplinary action against the defendant.”.
9 In line 10, delete “(7)” and insert “(8)”.
10 In line 36, delete “business” and insert “judicial”.
11 On page 6, after line 6, insert:
12 “(15)(a) Reports and evaluations conducted under this section are confidential and may be made
13 available only:
14 “(A) To the court, prosecuting attorney, defense attorney, defendant, community mental health
15 program director or designee and facility in which the defendant is housed; or
16 “(B) As ordered by a court.
17 “(b) A facility in which a defendant is housed may not use a report or evaluation conducted
18 under this section to support a disciplinary action against the defendant.
19 “**SECTION 6. This 2019 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
21 **on its passage.”.**
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