

A-Engrossed
Senate Bill 378

Ordered by the Senate April 3
Including Senate Amendments dated April 3

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Disability Rights Oregon)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires that court-ordered fitness to proceed examination and filing of examination report occur within 14 days of examination order if defendant is in custody.]

[Directs community mental health program director in each county to establish panel of certified evaluators available on short notice to perform fitness to proceed examinations.]

[Directs presiding judge of each judicial district to biennially report to interim committees of Legislative Assembly related to judiciary concerning conformance with time limit for filing of fitness to proceed examinations. Sunsets reporting requirement January 2, 2025.]

Directs Oregon Criminal Justice Commission to conduct study, in collaboration with Disability Rights Oregon, Oregon Health Authority and Judicial Department, identifying barriers to timely completion of fitness to proceed evaluations and timely admission of defendants for inpatient evaluations. Appropriates moneys to commission for purposes of carrying out study.

A BILL FOR AN ACT

1
2 Relating to fitness to proceed examinations.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The Oregon Criminal Justice Commission, in collaboration with Disability**
5 **Rights Oregon, the Oregon Health Authority and the Judicial Department, shall conduct a**
6 **study identifying barriers to the timely:**

7 (a) **Completion of accurate and reliable inpatient, outpatient and privately obtained fit-**
8 **ness to proceed evaluations under ORS 161.365 or 161.370; and**

9 (b) **Admission of defendants for inpatient fitness to proceed evaluations following an or-**
10 **der of commitment under ORS 161.365 or 161.370.**

11 (2) **The commission shall present the results of the study, along with any recommended**
12 **legislative changes, in a report to the interim committees of the Legislative Assembly related**
13 **to the judiciary in the manner provided under ORS 192.245 on or before September 15, 2021.**
14 **The report must include results specific to each county and must be made accessible to the**
15 **public.**

16 (3) **All agencies of state government are directed to assist the commission in the per-**
17 **formance of the study and, to the extent permitted by laws relating to confidentiality, to**
18 **furnish information and advice that the commission considers necessary to perform the**
19 **study.**

20 **SECTION 2. In addition to and not in lieu of any other appropriation, there is appropri-**
21 **ated to the Oregon Criminal Justice Commission, for the biennium beginning July 1, 2019,**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 out of the General Fund, the amount of \$50,000, to be provided to Disability Rights Oregon
2 for the purposes of carrying out the provisions of section 1 of this 2019 Act.

3 **SECTION 3.** Section 1 of this 2019 Act is repealed on January 2, 2022.

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