

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 25**

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**
5 **cause, all public bodies, as defined in ORS 174.109, and any private**
6 **medical provider in possession of records concerning the defendant,**
7 **shall, within five business days of receipt of the order, comply with a**
8 **court order for the release of records to the state mental hospital or**
9 **other facility designated by the Oregon Health Authority for the pur-**
10 **pose of conducting an examination or evaluation under ORS 161.365**
11 **or 161.370.**

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

19 **“(3) As used in this section, in the case of a community college**
20 **district, a community college service district, a public university, a**
21 **school district or an education service district, ‘business day’ does not**

1 **include any day on which the central administration offices of the**
2 **district or university are closed.”.**

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

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

6 After line 5, insert:

7 “(6)(a) Reports and evaluations conducted under this section are confi-
8 dential and may be made available only:

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

12 “(B) As ordered by a court.

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

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

17 Delete lines 21 and 22 and insert:

18 “(b) The court shall provide a copy of any order entered under this sub-
19 section to the community mental health program director or designee and to
20 the state mental hospital or other facility by the end of the next judicial
21 day.”.

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

24 On page 3, after line 9, insert:

25 “(7)(a) Reports and evaluations conducted under this section are confi-
26 dential and may be made available only:

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

30 “(B) As ordered by a court.

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

4 In line 10, delete “(7)” and insert “(8)”.

5 In line 36, delete “business” and insert “judicial”.

6 On page 6, after line 6, insert:

7 “(15)(a) Reports and evaluations conducted under this section are confi-
8 dential and may be made available only:

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

12 “(B) As ordered by a court.

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

16 “**SECTION 6. This 2019 Act being necessary for the immediate
17 preservation of the public peace, health and safety, an emergency is
18 declared to exist, and this 2019 Act takes effect on its passage.”.**

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