

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 24**

1 On page 1 of the printed bill, line 2, delete “creating new provisions;  
2 and”.

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

4 Delete lines 5 through 20.

5 Delete pages 2 through 6 and insert:

6 **“SECTION 1.** ORS 161.365 is amended to read:

7 “161.365. (1) When the court has reason to doubt the defendant’s fitness  
8 to proceed by reason of incapacity as described in ORS 161.360, the court  
9 may call any witness to its assistance in reaching its decision [*and shall*  
10 *order that a community mental health program director or the director’s*  
11 *designee consult with the defendant to determine whether services and super-*  
12 *vision necessary to safely restore the defendant’s fitness to proceed are avail-*  
13 *able in the community. After the consultation, the program director or the*  
14 *director’s designee shall provide to the court a copy of the findings resulting*  
15 *from the consultation*]. If the court determines the assistance of a psychiatrist  
16 or psychologist would be helpful, the court may:

17 “(a) Order that a psychiatric or psychological examination of the defend-  
18 ant be conducted by a certified evaluator as defined in ORS 161.309 and a  
19 report of the examination be prepared; or

20 “(b) Order the defendant to be committed for the purpose of an examina-  
21 tion, **which may include treatment**, for a period not exceeding 30 days to

1 a state mental hospital or other facility designated by the Oregon Health  
2 Authority if the defendant is at least 18 years of age, or to a secure intensive  
3 community inpatient facility designated by the authority if the defendant is  
4 under 18 years of age. **The court may find good cause, supported by**  
5 **findings made on the record, to order observation of the defendant of**  
6 **up to 21 days before the examination occurs.**

7 **“(2)(a) A defendant committed under subsection (1)(b) of this sec-**  
8 **tion shall be transported to the state mental hospital or other facility**  
9 **for the examination.**

10 **“(b) At the conclusion of the examination, the superintendent of**  
11 **the state mental hospital or the superintendent’s designee or the di-**  
12 **rector of the facility may:**

13 **“(A) Return the defendant to the facility from which the defendant**  
14 **was transported; or**

15 **“(B) Request an amended order from the court for the defendant**  
16 **to remain at the hospital or facility for further observation and**  
17 **treatment.**

18 **“[(2)] (3) The report of an examination described in this section must in-**  
19 **clude, but is not necessarily limited to, the following:**

20 **“(a) A description of the nature of the examination and any treatment;**

21 **“(b) A statement of the mental condition of the defendant;**

22 **“(c) If the defendant suffers from a qualifying mental disorder, an opinion**  
23 **as to whether the defendant is incapacitated within the description set out**  
24 **in ORS 161.360; and**

25 **“(d) If the defendant is incapacitated within the description set out in**  
26 **ORS 161.360, a recommendation of treatment and services necessary to re-**  
27 **store capacity, including whether a hospital level of care is required due**  
28 **to the defendant’s dangerousness and the acuity of symptoms of the**  
29 **defendant’s qualifying mental disorder.**

30 **“[(3)] (4) Except when the defendant and the court both request to the**

1 contrary, the report may not contain any findings or conclusions as to  
2 whether the defendant as a result of a qualifying mental disorder was subject  
3 to the provisions of ORS 161.295 or 161.300 at the time of the criminal act  
4 charged.

5 “[4] (5) If the examination by the psychiatrist or psychologist cannot  
6 be conducted by reason of the unwillingness of the defendant to participate  
7 in the examination, the report must so state and must include, if possible,  
8 an opinion as to whether the unwillingness of the defendant was the result  
9 of a qualifying mental disorder affecting capacity to proceed.

10 “[5] (6) The report must be filed with the clerk of the court, who shall  
11 cause copies to be delivered to the district attorney and to counsel for de-  
12 fendant.

13 “[6)(a)] (7)(a) When upon motion of the court or a financially eligible  
14 defendant, the court has ordered a psychiatric or psychological examination  
15 of the defendant, a county or justice court shall order the county to pay, and  
16 a circuit court shall order the public defense services executive director to  
17 pay from funds available for the purpose:

18 “(A) A reasonable fee if the examination of the defendant is conducted  
19 by a psychiatrist or psychologist in private practice; and

20 “(B) All costs including transportation of the defendant if the examina-  
21 tion is conducted by a psychiatrist or psychologist in the employ of the  
22 Oregon Health Authority or a community mental health program established  
23 under ORS 430.610 to 430.670.

24 “(b) When an examination is ordered at the request or with the  
25 acquiescence of a defendant who is determined not to be financially eligible,  
26 the examination shall be performed at the defendant’s expense. When an ex-  
27 amination is ordered at the request of the prosecution, the county shall pay  
28 for the expense of the examination.

29 “[7) *The Oregon Health Authority shall establish by rule standards for the*  
30 *consultation described in subsection (1) of this section.*]

1       **“(8)(a) The entity or evaluator conducting an examination of a de-**  
2 **endant under this section shall provide a copy of the report resulting**  
3 **from the examination to the community mental health program di-**  
4 **rector or designee in:**

5       **“(A) The county in which the defendant is charged; and**

6       **“(B) The county of the defendant’s last known residence.**

7       **“(b) Reports prepared under this section are confidential and may**  
8 **be made available only:**

9       **“(A) To the court, prosecuting attorney, defense attorney, agent of**  
10 **the prosecuting or defense attorney, defendant, community mental**  
11 **health program director or designee and any facility in which the de-**  
12 **endant is housed; or**

13       **“(B) As ordered by a court.**

14       **“(c) Any facility in which a defendant is housed may not use a re-**  
15 **port prepared under this section to support a disciplinary action**  
16 **against the defendant.**

17       **“(d) Nothing in this subsection prohibits the prosecuting attorney,**  
18 **defense attorney or agent of the prosecuting or defense attorney from**  
19 **discussing the contents of a report prepared under this section with**  
20 **witnesses or victims as otherwise permitted by law.**

21       **“SECTION 2. ORS 161.370 is amended to read:**

22       **“161.370. (1)(a) When the defendant’s fitness to proceed is drawn in**  
23 **question, the issue shall be determined by the court.**

24       **“(b) If neither the prosecuting attorney nor counsel for the defendant**  
25 **contests the finding of the report filed under ORS 161.365, the court may**  
26 **make the determination on the basis of the report. If the finding is contested,**  
27 **the court shall hold a hearing on the issue. If the report is received in evi-**  
28 **dence in the hearing, the party who contests the finding has the right to**  
29 **summon and to cross-examine any psychiatrist or psychologist who submitted**  
30 **the report and to offer evidence upon the issue. Other evidence regarding the**

1 defendant's fitness to proceed may be introduced by either party.

2       “(2)(a) If the court determines that the defendant lacks fitness to proceed,  
3 the criminal proceeding against the defendant shall be suspended and[:] **the**  
4 **court shall make a disposition determination.**

5       “(b) **To aid in making a determination concerning disposition, the**  
6 **court shall order a community mental health program director, or the**  
7 **director's designee, to consult with the defendant and with any local**  
8 **entity that would be responsible for supervising the defendant if the**  
9 **defendant was released in the community, to determine whether ser-**  
10 **vices and supervision necessary to safely allow the defendant to gain**  
11 **or regain fitness to proceed are available in the community.**

12       “(c) **Within seven judicial days of the order if the defendant is in**  
13 **custody, or 10 judicial days if the defendant is not in custody, the**  
14 **community mental health program director or designee shall provide**  
15 **to the court a copy of the findings resulting from the consultation.**

16       “(d) **Upon receipt of the consultation findings, the court and the**  
17 **parties shall consider and pursue a disposition that is consistent with**  
18 **primary and secondary release criteria described in ORS 135.230, is the**  
19 **least restrictive, and best serves the needs of the defendant and the**  
20 **interests of justice. Dispositions may include but are not limited to:**

21       “(A) **Community restoration as recommended by the community**  
22 **mental health program director or designee;**

23       “(B) **Release on supervision;**

24       “(C) **Commencement of a civil commitment proceeding under ORS**  
25 **426.070 to 426.170, 426.701 or 427.235 to 427.290;**

26       “(D) **Commencement of protective proceedings under ORS chapter**  
27 **125; or**

28       “(E) **Dismissal of the charges pursuant to ORS 135.755.**

29       “[(a)] (3)(a) **Except as otherwise provided in this section, if the court**  
30 **finds that the defendant is dangerous to self or others as a result of a qual-**

1 ifying mental disorder, or that, based on the findings resulting from the  
2 consultation described in [ORS 161.365 (1)] **subsection (2) of this section**  
3 **and from any information provided by community-based mental health**  
4 **providers**, the services and supervision necessary to restore the defendant’s  
5 fitness to proceed are not available in the community, the court shall commit  
6 the defendant to the custody of the superintendent of a state mental hospital  
7 or director of a facility[,] designated by the Oregon Health Authority[,] if the  
8 defendant is at least 18 years of age, or to the custody of the director of a  
9 secure intensive community inpatient facility designated by the authority if  
10 the defendant is under 18 years of age[; *or*].

11 **“(b) The court may not commit the defendant under this subsection**  
12 **until the court has received and considered the findings resulting from**  
13 **the consultation with the community mental health program director**  
14 **or designee described in subsection (2) of this section.**

15 **“(c) If the defendant is committed under this subsection, the com-**  
16 **munity mental health program director shall, during any period of**  
17 **commitment, continually review available community resources and**  
18 **maintain communication with the defendant and the superintendent**  
19 **of the state mental hospital or director of the facility in order to fa-**  
20  **facilitate an efficient transition to treatment in the community when**  
21 **available.**

22 “[*(b)*] **(4)(a) If the court does not make a finding described in [*paragraph***  
23 **(a) of this subsection,] subsection (3) of this section, if the circumstances**  
24 **in subsection (5)(c) of this section apply** or if the court determines that  
25 care other than commitment for incapacity to stand trial would better serve  
26 the defendant and the community, the court shall release the defendant on  
27 supervision for as long as the unfitness endures.

28 **“(b) The court may order a community mental health program di-**  
29 **rector providing treatment to the defendant in the community to**  
30 **provide the court with status reports on the defendant’s progress in**

1 **gaining or regaining fitness to proceed.**

2 **“(c) A community mental health program director providing treat-**  
3 **ment to the defendant in the community shall notify the court if the**  
4 **defendant gains or regains fitness to proceed.**

5 **“(5)(a) If the most serious offense in the charging instrument is a**  
6 **misdemeanor or violation, the court may not commit the defendant**  
7 **under subsection (3) of this section without a determination by a cer-**  
8 **tified evaluator as defined in ORS 161.309, or a community mental**  
9 **health program director or the director’s designee, that the defendant**  
10 **requires a hospital level of care due to the defendant’s dangerousness**  
11 **and the acuity of symptoms of the defendant’s qualifying mental dis-**  
12 **order.**

13 **“(b) If at the time of disposition the court has not received a de-**  
14 **termination described in paragraph (a) of this subsection, the court**  
15 **shall order a certified evaluator or a community mental health pro-**  
16 **gram director, or the director’s designee, to make such determination.**

17 **“(c) If the defendant is determined to not require a hospital level**  
18 **of care, the court shall within seven judicial days hold a disposition**  
19 **hearing in accordance with subsection (2)(d) of this section.**

20 **“(d) If the defendant is determined to require a hospital level of**  
21 **care, the court shall make specific findings regarding why the de-**  
22 **fendant requires such level of care and may commit the defendant**  
23 **under subsection (3) of this section.**

24 **“[(3)] (6) When a defendant is released on supervision under subsection**  
25 **[(2)(b)] (4) of this section, the court may place conditions that the court**  
26 **deems appropriate on the release, including the requirement that the de-**  
27 **fendant regularly report to the authority or a community mental health**  
28 **program for examination to determine if the defendant has gained or re-**  
29 **gained capacity to stand trial.**

30 **“[(4)] (7) When the court, on its own motion or upon the application of**

1 the superintendent of the hospital or director of the facility in which the  
2 defendant is committed, a person examining the defendant as a condition of  
3 release on supervision, or either party, determines, after a hearing, if a  
4 hearing is requested, that the defendant has gained or regained fitness to  
5 proceed, the criminal proceeding shall be resumed. If, however, the court is  
6 of the view that so much time has elapsed since the commitment or release  
7 of the defendant on supervision that it would be unjust to resume the crim-  
8 inal proceeding, the court on motion of either party may dismiss the charge  
9 and may order the defendant to be discharged or cause a proceeding to be  
10 commenced forthwith under ORS 426.070 to 426.170, **426.701** or 427.235 to  
11 427.290.

12 “[5] **(8)** The superintendent of a state hospital or director of a facility  
13 to which the defendant is committed shall cause the defendant to be evalu-  
14 ated within 60 days from the defendant’s delivery into the superintendent’s  
15 or director’s custody, for the purpose of determining whether there is a  
16 substantial probability that, in the foreseeable future, the defendant will  
17 have the capacity to stand trial. In addition, the superintendent or director  
18 shall:

19 “(a) Immediately notify the committing court if the defendant, at any  
20 time, gains or regains the capacity to stand trial or will never have the ca-  
21 pacity to stand trial.

22 “(b) Within 90 days of the defendant’s delivery into the superintendent’s  
23 or director’s custody, notify the committing court that:

24 “(A) The defendant has the present capacity to stand trial;

25 “(B) There is no substantial probability that, in the foreseeable future, the  
26 defendant will gain or regain the capacity to stand trial; or

27 “(C) There is a substantial probability that, in the foreseeable future, the  
28 defendant will gain or regain the capacity to stand trial. If the probability  
29 exists, the superintendent or director shall give the court an estimate of the  
30 time in which the defendant, with appropriate treatment, is expected to gain



1 or regain capacity.

2 “[~~(6)(a)~~] **(9)(a)** If the superintendent or director determines that there is  
3 a substantial probability that, in the foreseeable future, the defendant will  
4 gain or regain the capacity to stand trial, unless the court otherwise orders,  
5 the defendant shall remain in the superintendent’s or director’s custody  
6 where the defendant shall receive treatment designed for the purpose of en-  
7 abling the defendant to gain or regain capacity. In keeping with the notice  
8 requirement under subsection [~~(5)(b)~~] **(8)(b)** of this section, the superinten-  
9 dent or director shall, for the duration of the defendant’s period of commit-  
10 ment, submit a progress report to the committing court, concerning the  
11 defendant’s capacity or incapacity, at least once every 180 days as measured  
12 from the date of the defendant’s delivery into the superintendent’s or  
13 director’s custody.

14 “(b)(A) Notwithstanding paragraph (a) of this subsection, if the super-  
15 intendent or director determines that a defendant committed under this sec-  
16 tion is no longer dangerous to self or others as a result of a qualifying  
17 mental disorder, or that the services and supervision necessary to restore the  
18 defendant’s fitness to proceed are available in the community, the super-  
19 intendent or director shall file notice of that determination with the court.

20 “(B) Upon receipt of the notice, [*the court shall order the person released*  
21 *on supervision as described in subsection (3) of this section.*] **the court shall**  
22 **order that a community mental health program director or the**  
23 **director’s designee consult with the defendant and with any local en-**  
24 **tity that would be responsible for supervising the defendant if the de-**  
25 **fendant was released in the community, within seven judicial days, to**  
26 **determine whether services and supervision necessary to safely restore**  
27 **the defendant’s fitness to proceed are available in the community. The**  
28 **director or designee shall provide the court with findings resulting**  
29 **from the consultation within 14 judicial days of the court’s order.**

30 “(C) **Within 14 judicial days of receiving the findings, the court shall**

1 **hold a disposition hearing in accordance with subsection (2)(d) of this**  
2 **section. If, after consideration of the factors and dispositions described**  
3 **in subsection (2)(d) of this section, and any findings resulting from the**  
4 **consultation described in this paragraph, the court determines that**  
5 **the defendant remains dangerous to self or others as a result of a**  
6 **qualifying mental disorder, or that the services and supervision nec-**  
7 **essary to restore the defendant’s fitness to proceed are not available**  
8 **in the community, the court may, after making specific findings to**  
9 **that effect, continue the commitment.**

10 “(c) A progress report described in paragraph (a) of this subsection may  
11 consist of an update to:

12 “(A) The original examination report conducted under ORS 161.365; or

13 “(B) An evaluation conducted under subsection [(5)] (8) of this section,  
14 if the defendant did not receive an examination under ORS 161.365.

15 “[7)(a)] (10)(a) A defendant who remains committed under subsection  
16 [(6)] (9) of this section shall be discharged within a period of time that is  
17 reasonable for making a determination concerning whether or not, and when,  
18 the defendant may gain or regain capacity. However, regardless of the num-  
19 ber of charges with which the defendant is accused, in no event shall the  
20 defendant be committed for longer than whichever of the following, measured  
21 from the defendant’s initial custody date, is shorter:

22 “(A) Three years; or

23 “(B) A period of time equal to the maximum sentence the court could have  
24 imposed if the defendant had been convicted.

25 “(b) For purposes of calculating the maximum period of commitment de-  
26 scribed in paragraph (a) of this subsection:

27 “(A) The initial custody date is the date on which the defendant is first  
28 committed under this section on any charge alleged in the accusatory in-  
29 strument; and

30 “(B) The defendant shall be given credit against each charge alleged in

1 the accusatory instrument:

2 “(i) For each day the defendant is committed under this section, whether  
3 the days are consecutive or are interrupted by a period of time during which  
4 the defendant has gained or regained fitness to proceed; and

5 “(ii) Unless the defendant is charged **on any charging instrument** with  
6 aggravated murder or a crime listed in ORS 137.700 (2), for each day the  
7 defendant is held in jail **before and after the date the defendant is first**  
8 **committed**, whether the days are consecutive or are interrupted by a period  
9 of time during which the defendant lacks fitness to proceed.

10 “[~~8~~] **(11)** The superintendent or director shall notify the committing  
11 court of the defendant’s impending discharge 30 days before the date on  
12 which the superintendent or director is required to discharge the defendant  
13 under subsection [~~7~~] **(10)** of this section.

14 “[~~9~~] **(12)** When the committing court receives a notice from the super-  
15 intendent or director under subsection [~~5~~] **(8)** or [~~8~~] **(11)** of this section  
16 concerning the defendant’s progress or lack thereof, the committing court  
17 shall determine, after a hearing, if a hearing is requested, whether the de-  
18 fendant presently has the capacity to stand trial.

19 “[~~10~~] **(13)** If at any time the court determines that the defendant lacks  
20 the capacity to stand trial, the court shall further determine whether there  
21 is a substantial probability that the defendant, in the foreseeable future, will  
22 gain or regain the capacity to stand trial and whether the defendant is en-  
23 titled to discharge under subsection [~~7~~] **(10)** of this section. If the court  
24 determines that there is no substantial probability that the defendant, in the  
25 foreseeable future, will gain or regain the capacity to stand trial or that the  
26 defendant is entitled to discharge under subsection [~~7~~] **(10)** of this section,  
27 the court shall dismiss, without prejudice, all charges against the defendant  
28 and:

29 “(a) Order that the defendant be discharged; or

30 “(b) Initiate commitment proceedings under ORS 426.070 or 427.235 to

1 427.290.

2 “[11] (14) All notices required under this section shall be filed with the  
3 clerk of the court and delivered to both the district attorney and the counsel  
4 for the defendant.

5 “[12] (15) If the defendant gains or regains fitness to proceed, the term  
6 of any sentence received by the defendant for conviction of the crime charged  
7 shall be reduced by the amount of time the defendant was committed under  
8 this section to the custody of a state mental hospital, or to the custody of  
9 a secure intensive community inpatient facility[,] designated by the Oregon  
10 Health Authority.

11 “[13] (16) Notwithstanding the suspension of the criminal proceeding  
12 under subsection (2) of this section, the fact that the defendant is unfit to  
13 proceed does not preclude any objection through counsel and without the  
14 personal participation of the defendant on the grounds that the indictment  
15 is insufficient, that the statute of limitations has run, that double jeopardy  
16 principles apply or upon any other ground at the discretion of the court  
17 which the court deems susceptible of fair determination prior to trial.

18 “[14] (17) At the time that the court determines that the defendant lacks  
19 fitness to proceed under subsection (2) of this section, the court shall notify  
20 the defendant that federal law prohibits the defendant from purchasing or  
21 possessing a firearm unless the person obtains relief from the prohibition  
22 under federal law. The court shall again notify the defendant of the prohi-  
23 bition if the court finds that the defendant has gained or regained fitness to  
24 proceed under subsection [(4)] (7) of this section.

25 **“(18)(a) The entity or evaluator conducting an examination of a**  
26 **defendant under this section shall provide a copy of a progress report**  
27 **or report resulting from an examination described in this section to**  
28 **the community mental health program director or designee in:**

29 **“(A) The county in which the defendant is charged; and**

30 **“(B) The county of the defendant’s last known residence.**

1       “(b) Reports prepared under this section are confidential and may  
2 be made available only:

3       “(A) To the court, prosecuting attorney, defense attorney, agent of  
4 the prosecuting or defense attorney, defendant, community mental  
5 health program director or designee and any facility in which the de-  
6 fendant is housed; or

7       “(B) As ordered by a court.

8       “(c) Any facility in which a defendant is housed may not use a re-  
9 port prepared under this section to support a disciplinary action  
10 against the defendant.

11       “(d) Nothing in this subsection prohibits the prosecuting attorney,  
12 defense attorney or agent of the prosecuting or defense attorney from  
13 discussing the contents of a report prepared under this section with  
14 witnesses or victims as otherwise permitted by law.

15       “(19) Unless the court or either party objects, a defendant commit-  
16 ted to a state hospital or other facility, or a certified evaluator or  
17 other expert witness, may attend hearings held under this section via  
18 simultaneous electronic transmission.

19       “(20) The Oregon Health Authority shall establish by rule standards  
20 for the consultation described in subsection (2) of this section.

21       “**SECTION 3.** ORS 161.315 is amended to read:

22       “161.315. (1) Upon filing of notice or the introduction of evidence by the  
23 defendant as provided in ORS 161.309, the state shall have the right to have  
24 at least one psychiatrist or licensed psychologist of its selection examine the  
25 defendant. The state shall file notice with the court of its intention to have  
26 the defendant examined.

27       “(2)(a) Upon filing of the notice, the court, in its discretion, may order  
28 the defendant committed to a state [*institution*] **mental hospital** or any  
29 other suitable facility, if the defendant is 18 years of age or older, for [*ob-*  
30 *servation and*] examination, **which may include treatment**, as the court

1 may designate for a period not to exceed 30 days. **The court may include**  
2 **in the order specific findings regarding why a particular length of ob-**  
3 **servation is needed before the examination occurs.**

4 “(b) If the defendant is under 18 years of age, upon filing of the notice,  
5 the court, in its discretion, may order the defendant committed to a secure  
6 intensive community inpatient facility designated by the Oregon Health Au-  
7 thority for [*observation and*] examination, **which may include treatment,**  
8 as the court may designate for a period not to exceed 30 days. **The court**  
9 **may include in the order specific findings regarding why a particular**  
10 **length of observation is needed before the examination occurs.**

11 “(3) If the defendant objects to the examiner chosen by the state, the  
12 court for good cause shown may direct the state to select a different exam-  
13 iner.

14 “(4) An examiner performing an examination on the issue of insanity of  
15 a defendant under this section is not obligated to examine the defendant for  
16 fitness to proceed unless, during the examination, the examiner determines  
17 that the defendant’s fitness to proceed is drawn in question. **If, during the**  
18 **examination, the examiner determines that the defendant’s fitness to**  
19 **proceed is in doubt, the examiner shall report the issue to the court**  
20 **and to the superintendent of the state mental hospital or the**  
21 **superintendent’s designee, or to the director of the facility to which**  
22 **the defendant is committed. The superintendent or director may:**

23 “(a) **Return the defendant to the facility from which the defendant**  
24 **was transported; or**

25 “(b) **Request an amended order from the court for the defendant to**  
26 **remain at the hospital or facility for further observation and treat-**  
27 **ment.**

28 “(5)(a) **Reports resulting from examinations conducted under this**  
29 **section are confidential and may be made available only:**

30 “(A) **To the court, prosecuting attorney, defense attorney, agent of**

1 the prosecuting or defense attorney, defendant, community mental  
2 health program director or designee and any facility in which the de-  
3 fendant is housed; or

4 “(B) As ordered by a court.

5 “(b) Any facility in which a defendant is housed may not use a re-  
6 port prepared under this section to support a disciplinary action  
7 against the defendant.

8 “(c) Nothing in this subsection prohibits the prosecuting attorney,  
9 defense attorney or agent of the prosecuting or defense attorney from  
10 discussing the contents of a report prepared under this section with  
11 witnesses or victims as otherwise permitted by law.

12 “SECTION 4. This 2019 Act being necessary for the immediate  
13 preservation of the public peace, health and safety, an emergency is  
14 declared to exist, and this 2019 Act takes effect on its passage.”.

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