

**TESTIMONY ON SB 206A  
BEFORE THE HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW  
MAY 18, 2021**

**PRESENTED BY: DEBRA MARYANOV, SENIOR ASSISTANT GENERAL COUNSEL  
OREGON JUDICIAL DEPARTMENT**

Chair Power, Vice Chair Wallan, and Members of the Committee:

I am Debra Maryanov, Senior Assistant General Counsel for the Oregon Judicial Department (OJD), and I represented OJD on the PSRB Legislative Work Group that developed this measure. I offer this testimony on behalf of the OJD to follow-up on questions raised by Representative Morgan at the public hearing on SB 206 A on May 17, 2021.

Under current law, if a person is adjudicated guilty except for insanity (GEI), the court must commit the individual to the Oregon State Hospital unless it determines that the individual can be adequately controlled with supervision and treatment if conditionally released into the community and that necessary supervision and treatment are available. Under the current process, the court is required to order an evaluation by a community mental health program (CMHP) and consider conditional release for Class C felonies. The court may consider conditional release for all other types of crime. In practice, a significant majority of individuals found GEI are committed to the Oregon State Hospital. SB 206 A seeks to increase utilization of court conditional release by improving the process for communication and coordination of conditional release plans.

During the hearing on the bill in the House Judiciary Civil Subcommittee, Representative Morgan asked whether there has been a study to understand Oregon's high rate of revocations from court-ordered conditional releases. Dr. Alison Bort, Executive Director, Psychiatric Security Review Board (PSRB), responded that there has not been a study, but a possible explanation may be that CMHPs are not provided sufficient time to gather the information necessary to develop a conditional release plan.

Melissa Marrero, Deputy District Attorney, Multnomah County, added that requests to CMHPs for court conditional release evaluations sometimes occur too late in the process, which may result in a less comprehensive evaluation report and ultimately increase the likelihood that a court conditional release is unsuccessful.

Ms. Marrero also stated that the current statute does not require the court to provide immediate notice to PSRB when an individual is placed under PSRB jurisdiction, and that there have been instances when the PRSB did not receive notice for as long as 90 days after the placement. However, Dr. Bort correctly noted that the OJD currently sends the PSRB a weekly report listing all individuals who were adjudicated GEI in the prior week, and that notice to the PSRB from the court is no longer an issue. OJD business processes also require courts to forward a signed copy of any GEI judgement to the Oregon State Hospital and any additional agencies as directed upon signature by the judge.

SB 206 A requires a party that intends to request conditional release to notify the opposing party, the court and the board of the request as soon as practicable and in a manner that allows sufficient time to allow for a CMHP consultation or evaluation before the court determination on conditional release. This requirement will help to improve the court conditional release process and OJD is prepared to implement this change.

We understand that any previous PSRB notice issues have been resolved, and OJD is happy to coordinate with the PSRB and other collaborating agencies to share notice within the confines of the law. OJD appreciates the work of the PSRB Legislative Work Group on SB 206 A and is available to answer any additional questions.