

Submitter: April Yates
On Behalf Of:
Committee: House Committee On Judiciary
Measure: HB4142

HB 4142 further criminalizes mental illness without making hospital workers any more safe. I am a public defender who has represented adult clients in criminal cases for over four years in Washington County and Multnomah County. I have visited several psychiatric units in the Portland Metro area through my work representing community members in civil commitment proceedings, and I have participated in Mental Health Court hearings in both Washington and Multnomah County. Throughout my experience, I have yet to see an assault case from a hospital where the accused was not suffering from acute mental illness or experiencing delusions at the time of the alleged incident.

HB 4142 would turn a misdemeanor assault* in which no one suffered a serious or lasting injury into a felony because it involved a hospital worker. HB 4142 will not reduce the number of assaults; it criminalizes reckless behavior, meaning the person this law may send to prison need not even have meant to cause anyone pain. This bill also fails to reduce instances of harm because assaults in hospital settings are not typically premeditated, nor perpetrated by someone who has researched the law and the potential criminal liability for their conduct.

If anyone will be deterred by HB 4142, it may be the families of the acutely mentally ill. These families have already learned that it is not always safe to call the police for assistance with a family member in crisis. HB 4142 may teach them that seeking hospital care for a very mentally ill loved one may result in a prison sentence. This type of deterrence makes the community less safe.

HB 4142 would imprison mentally ill people, a population Oregon has failed to support with adequate services. The wait times to get a therapist or see a prescriber for mental health medication in the Portland Metro Area are astronomical. Community members are left to suffer with mental health symptoms untreated until they are in a point of acute distress and finally receive care in a hospital setting. Many of these community members are frightened to experience their first psychotic break and/or first ever hospitalization. Many are in their early 20s. Some are pursuing higher education. They deserve a more robust mental health system that will help them gain stability without condemning them as criminal.

Instead of making anything better, HB 4142 will exacerbate the mental health crisis in Oregon. The label "felon" comes with many collateral consequences, including not being able to get federal student loans and for some community members it will carry irretractable immigration consequences. This felony will show up on background

checks for employment and housing, making it very difficult to maintain stability in the community post-hospitalization. The numerous consequences of a felony destabilize people suffering from mental illness, increasing their odds of being houseless and their odds of needing a hospital level of care in the future.

HB 4142 comes with not just a moral cost, but a financial cost as well. Any time you turn a misdemeanor into a felony there will be higher incarceration costs. There will also be higher costs for the defense of the case, as a defense attorney will likely need to hire defense experts to try to achieve a case result that won't strip the accused of their ability to obtain federal student loans, employment within the community, etc.

We cannot solve problems in our community by increasing criminalization. If you want to help healthcare workers, invest in easily accessible mental health services. Imprisoning individuals does not solve systemic issues, and turning misdemeanors into felonies for the mentally ill is throwing away both our morals and our money. Please vote NO on HB 4142.

*Please note that some testimonials in favor of HB 4142 describe conduct already punishable as a felony, such as any assault resulting in a serious physical injury or involving the use of an object as a weapon.