

## HB 2467 -3 STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 4/3, 4/8

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#### WHAT THE MEASURE DOES:

The measure modifies the criteria qualifying a person to be hospitalized involuntarily and lists factors the court may consider when determining whether someone meets those criteria.

#### Detailed Summary

Modifies the criteria for civil commitment by adding definitions in ORS 426.005 related to determining whether someone is a "person with mental illness":

- Defines "dangerous to others" as "likely to inflict significant physical harm upon another person within the next 30 days."
- Defines "dangerous to self" as "likely to inflict significant physical harm to self within the next 30 days."
- Defines "serious physical harm" as "a physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."

Lists factors the court may consider when determining whether someone meets the criteria for civil commitment:

- When determining whether someone is "dangerous to self," the person's threat or attempt to inflict significant physical harm to self;
- When determining whether someone is "dangerous to others," the person's threat or attempt to inflict significant physical harm to another person; and
- Any past behavior by the person that resulted in significant physical harm to self or to another person and past patterns of deterioration that contributed to the person being repeatedly hospitalized in inpatient care.

Requires the court to consider how recent, frequent, and severe past behavior was when assessing the relevance of a person's past behavior.

#### ISSUES DISCUSSED:

#### EFFECT OF AMENDMENT:

-3 The amendment replaces the measure, modifies the criteria qualifying a person to be hospitalized involuntarily and lists factors the court may consider when determining whether someone meets those criteria.

#### Detailed Summary

Modifies the criteria for civil commitment:

- Defines "danger to self" to require that a person engage in or threaten to engage in behavior that resulted in or was likely to result in "physical harm" to another person and, taking into consideration the person's particular history and circumstances, it is reasonably foreseeable that the person will engage in such behavior in the near future, even if such behavior is not imminent.
- Defines "danger to self" to require that a person engage in or threaten to engage in behavior that resulted in or was likely to result in "serious physical harm" to self and, taking into consideration the person's particular history and circumstances, it is reasonably foreseeable that the person will engage in such behavior in the near future, even if such behavior is not imminent.

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- Clarifies that for being unable to provide for basic personal needs, if a person is involuntarily confined in a custodial setting, they are unable to provide for basic personal needs if it is reasonably foreseeable that upon release the person will not receive such care as is necessary to avoid such harm.
- Defines "physical harm" as physical injury, physical pain or other physiological impairment, other than an injury, pain or impairment that is trivial in terms of pain or other bodily impact.
- Defines "serious physical harm" as physical harm that places a person at risk of death or serious and irreversible impairment or deterioration of health or the function of any bodily organ.

Lists information the court may consider when determining whether someone meets the criteria for civil commitment.

### **BACKGROUND:**

A person diagnosed with a mental disorder who, because of that mental disorder, meets certain criteria based on their risk of harming other people, harming themselves, or being unable to meet their basic needs, can be hospitalized involuntarily by the state under a process called civil commitment. In Oregon, that process is established in [ORS chapter 426](#).

Under Oregon's civil commitment laws, a court may commit a person to treatment if the person is "a person with mental illness," a legal term in the statute, and if the person is not able, willing, or likely to participate in treatment voluntarily. If the person meets the criteria, the court may commit the person for a period of up to 180 days.

"Person with mental illness" is defined as a person who, because of a mental disorder, is (A) "dangerous to self or others," (B) "unable to provide for basic personal needs that are necessary to avoid serious physical harm in the near future, and is not receiving such care as is necessary to avoid such harm," or (C) someone who meets certain expanded criteria related to chronic mental illness, previous commitments, and potential for deterioration. The term "dangerous to self or others" is not defined by statute.