

## HB 2467 with Dash-3: NAMI Supports Strategic Civil Commitment Reforms to Counter Oregon’s Acute Care Crisis

### Background

NAMI Oregon convened a workgroup composed of individuals and family members with lived experience, providers, judicial and legal officials, elected officials, and others to contemplate modifications to Oregon’s civil commitment statutes. The goal was to find changes that increase the likelihood that individuals now being committed under “aid and assist” could be served in the civil system instead, thus avoiding entanglements with the criminal justice system.

NAMI Oregon is proposing strategic changes to Oregon law because:

- If criteria are changed too broadly, the fiscal impact will be profound. Oregon will have to spend millions to serve several hundred people per year at the expense of serving tens of thousands. The only services available to people would continue to be acute care services via some form of commitment.
- The state must prove it can treat people well and produce good outcomes. When the state had more expansive commitment powers in the past, they violated people’s civil rights. So much so that the U.S. Department of Justice investigated the state for a decade.

### With Proposed Amendment: HB 2467-3 Explained

Current statute uses terms such as “danger to self” and “danger to others,” but does not define what they mean. That’s left the terms open to interpretation by the Oregon Court of Appeals, which hears challenges to commitment orders. Over the years, the court has narrowed the acuity necessary for commitment, fueling the state’s “aid and assist” crisis.

NAMI Oregon’s legislation provides clarity for both the courts and clinicians within the statutory framework in which both are familiar. In short, the legislation:

- Creates separate definitions for danger to self and danger to others. These are separate categories that have their own specific factors when being clinically evaluated.
- Defines serious physical harm as it pertains to danger to self and to basic personal needs to better guide clinicians and to better protect people from catastrophic outcomes.
- Adds definition of “near future” to clarify how far into the future a court and clinicians may look when evaluating an individual for civil commitment.
- Adds factors the court may consider specific to danger to self and specific to danger to others. Danger to self is about harm to the individual. Danger to others is about public safety risk. As such, both need separate assessments clinically and legally.





### Services Needed if Criteria Changes

NAMI Oregon recognizes that a change in the law will create new pressure for services and require a simultaneous investment in facility-based care and other community-based services. A change in the law alone will only contribute to the current logjam that Oregon is experiencing.

NAMI Oregon has companion legislation that will make it easier to develop and operate new licensed residential facilities. If criteria are changed, we must move quickly to add capacity.