

HB 4043 A STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 02/16/26

Action: Do pass with amendments and be referred to Ways and Means by prior reference.
(Printed A-Eng.)

Vote: 8-0-0-0

Yeas: 8 - Andersen, Chaichi, Chotzen, Kropf, Lewis, Mannix, Tran, Wallan

Fiscal: Fiscal impact issued

Revenue: Revenue impact issued

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Meeting Dates: 2/4, 2/11, 2/16

WHAT THE MEASURE DOES:

The measure allows the state treasurer to issue Article XI-Q bonds for certain courthouse construction projects if they meet statutory requirements, including determinations by the chief justice of the Supreme Court and approval by the Department of Administrative Services. The measure also extends the time within which a community mental health program (CMHP) must notify a court of a person's noncompliance with fitness-to-proceed restoration services from "immediately" to "within two judicial days" and allows the CMHP to delegate that duty to the services provider.

ISSUES DISCUSSED:

- Provisions of the measure

EFFECT OF AMENDMENT:

The amendment extends the time within which a CMHP must notify a court of a person's noncompliance with fitness-to-proceed restoration services in the community from "immediately" to "within two judicial days" and allows the CMHP to delegate that duty to the services provider.

BACKGROUND:

The State of Oregon can issue bonds under Article XI-Q of the Oregon Constitution for real or personal property owned or operated by the state. Oregon Revised Statutes (ORS) 1.181 describes the circumstances under which such bonds may be issued for courthouse projects. ORS 1.184 establishes the Oregon Courthouse Capital Construction and Improvement Fund in the Oregon State Treasury and appropriates moneys therein for specific purposes, including those in ORS 1.181. ORS 1.183 places requirements on the funding structure for courthouse construction. Counties are required to provide suitable and sufficient courtrooms, offices, and jury rooms, and to maintain those facilities, under ORS 1.185.

When a person is charged with a crime but lacks the mental capacity necessary to meaningfully participate in their trial, Oregon courts may find that the person "lacks fitness to proceed" under ORS 161.370. The court then engages in a process to provide services to the defendant, with the goal of restoring their fitness to proceed. House Bill 2005 (2025) (enacted in Chapter 559, Oregon Laws 2025) significantly modified this process, in part by establishing time limits and review hearings for defendants receiving restoration services in the community (often called "community restoration"). Under Section 45, Chapter 559, Oregon Laws 2025, a community restoration services provider for criminal defendants who are undergoing restoration of fitness to proceed in the community must notify the court "immediately" if a defendant is not compliant with or absent from community restoration treatment services.