

HOUSE AMENDMENTS TO HOUSE BILL 4043

By COMMITTEE ON JUDICIARY

February 18

1 On page 1 of the printed bill, line 2, after “1.184” insert “and section 45, chapter 559, Oregon
2 Laws 2025”.

3 On page 3, after line 27, insert:

4 “**SECTION 4.** Section 45, chapter 559, Oregon Laws 2025, is amended to read:

5 “**Sec. 45.** (1) For purposes of this section, the purpose of community restoration is the restora-
6 tion of the defendant’s fitness to proceed in order to continue the criminal case.

7 “(2)(a) If the most serious offense in the charging instrument is a violation or a misdemeanor
8 other than a Class A misdemeanor, the maximum time period that the defendant may be ordered to
9 engage in community restoration services is 90 days. The time period may be extended by the court
10 as described in subsection (3) of this section by an additional 90 days, up to a total of 180 days.

11 “(b) If the most serious offense in the charging instrument is a Class A misdemeanor other than
12 a person Class A misdemeanor, the maximum time period that the defendant may be ordered to en-
13 gage in community restoration services is 90 days. The time period may be extended by the court
14 as described in subsection (3) of this section by additional increments of 90 days, to up to a total
15 of 365 days.

16 “(c) If the most serious offense in the charging instrument is a person Class A misdemeanor or
17 a contempt charge, the maximum time period that the defendant may be ordered to engage in com-
18 munity restoration services is six months. The time period may be extended by the court as de-
19 scribed in subsection (3) of this section by additional increments of six months, to up to a total of
20 18 months.

21 “(d) If the most serious offense in the charging instrument is a felony other than aggravated
22 murder, a violent felony or a crime listed in ORS 137.700 (2), the maximum time period that the
23 defendant may be ordered to engage in community restoration services is 12 months. The time period
24 may be extended by the court as described in subsection (3) of this section by additional increments
25 of six months, to up to a total of 24 months.

26 “(e) If the most serious offense in the charging instrument is aggravated murder, a violent felony
27 or a crime listed in ORS 137.700 (2), the maximum time period that the defendant may be ordered
28 to engage in community restoration services is 18 months. The time period may be extended by the
29 court as described in subsection (3) of this section by additional increments of six months, to up to
30 a total of 24 months.

31 “(3)(a) The court may extend the maximum time periods of community restoration services, up
32 to the total amounts specified in subsection (2) this section, upon the request of a party as provided
33 in this subsection.

34 “(b) A party may petition for an extension to the maximum period of community restoration
35 described in subsection (2) of this section. The petition must be submitted at least five days prior

1 to the expiration of the maximum period of community restoration. The court may extend the
2 deadline for filing a petition for good cause.

3 “(c) Upon receipt of a petition described in paragraph (b) of this subsection, the court shall hold
4 a hearing. The hearing must occur within 30 days after the filing of the petition.

5 “(d) The court may extend the community restoration period if the court finds:

6 “(A) There is clear evidence of progress toward the defendant gaining or regaining fitness to
7 proceed; and

8 “(B) That appropriate services are being made available to the defendant.

9 “(e) The petitioning party has the burden of proof.

10 “(f) The court may continue the order for the defendant to participate in community restoration
11 services pending the outcome of the petition.

12 “(4) The following time periods may not be considered when calculating the maximum period of
13 community restoration services under subsection (2) of this section:

14 “(a) A period of time between a scheduled court appearance at which the defendant fails to ap-
15 pear and the next scheduled court appearance at which the defendant appears, other than an ap-
16 pearance that occurs for the purpose of addressing the failure to appear;

17 “(b) A period of time between a scheduled fitness to proceed evaluation at which the defendant
18 fails to appear and the next scheduled court appearance at which the defendant appears;

19 “(c) A period of time during which the defendant is in violation of a release agreement condition
20 that the court finds negatively impacts the defendant’s ability to participate or engage in community
21 restoration services, as determined by the court;

22 “(d) A period of time during which the defendant is in the custody of a local or state
23 correctional facility;

24 “(e) A period of time during which the defendant fails to make reasonable efforts toward gaining
25 or regaining fitness to proceed, as determined by the court;

26 “(f) A period of time during which the defendant is not attending or complying with community
27 restoration services treatment, and any nonattendance is not excused, as determined by the court;

28 “(g) A period of time during which the defendant is noncompliant with taking or receiving, or
29 verbally refuses to take or receive, prescribed medications, as determined by the court; and

30 “(h) A period of time between the defendant’s absconsion from a secure residential treatment
31 facility or other secure placement and the next scheduled court appearance at which the defendant
32 appears.

33 “(5) When a defendant has been ordered to engage in community restoration services:

34 “(a) The court shall conduct regular status reviews at least every 45 days. The status review
35 may consist of the court reviewing a report to the court by the community mental health program
36 director concerning the defendant’s progress. Any report provided to the court for a status review
37 must include information concerning whether the defendant is making progress toward gaining or
38 regaining fitness to proceed, what services that are being provided to the defendant and the iden-
39 tification of any additional services that are required to meet the defendant’s restoration needs.

40 “(b) The court shall conduct a review hearing at least every 180 days, or every 90 days if the
41 most serious offense in the charging instrument is a violation, a Class B or Class C misdemeanor
42 or a Class A misdemeanor other than a person Class A misdemeanor. At the review hearing, the
43 court shall determine whether the purpose of community restoration is being met, and the court may
44 take any action authorized under ORS 161.370 (2)(c) at the hearing.

45 “(c) The defendant shall be evaluated to determine whether the defendant has gained or re-

1 gained fitness to proceed at least every 180 days.

2 “(d) If the most serious offense in the charging instrument is a violation, a Class B or Class C
3 misdemeanor or a Class A misdemeanor other than a person Class A misdemeanor, the court shall
4 order that an updated evaluation, to determine whether the defendant has gained or regained fitness
5 to proceed, be conducted and a report submitted to the court prior to the review hearing occurring
6 90 days after the order to engage in community restoration services is entered.

7 “(e) [A *community restoration services provider* shall immediately notify the court] **The commu-**
8 **nity mental health program director, or the entity providing community restoration services**
9 **to the defendant, if the director delegates the duty to the entity, shall file notice with the**
10 **court within two judicial days** following the defendant’s noncompliance with taking or receiving,
11 or verbal refusal to take or receive, prescribed medications, or **any other** noncompliance or unex-
12 cused absence from community restoration services treatment. The notice shall contain a description
13 of **the noncompliance and** efforts taken to engage the defendant in taking or receiving medication
14 or attending and complying with treatment services. The [*community restoration services provider*]
15 **notifying party** shall additionally notify the court if the defendant thereafter begins taking or re-
16 ceiving prescribed medications or attending and complying with treatment services.”.

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