



Oregon

Kate Brown, Governor

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TO: Representative Jeff Barker, Chair
House Judiciary Committee, State of Oregon

FR: Sid Moore, J.D., Deputy Director
Psychiatric Security Review Board (PSRB)

RE: Written Comment for April 26, 2017, Hearing on SB 63

Thank you, Chair Barker, Vice-Chair Olson, Vice-Chair Williamson, and members of the committee. I appreciate the opportunity to comment on Senate Bill 63. My name is Sid Moore; I am the deputy director of the Oregon Psychiatric Security Review Board.

Senate Bill 63 will streamline PSRB's hearings notification process and provide the Board and staff a more realistic timeline to complete its final orders.

Notices to the Court

Prior to 1978, county courts were responsible for supervising those adjudicated Guilty Except for Insanity (GEI). In 1978, the newly created Psychiatric Security Review Board took over responsibility for supervising and monitoring all GEI cases. These cases do not return to the court, remaining exclusively under PSRB jurisdiction. Presumably, the 1977 Legislature assumed that the courts would have a continued interest in the GEI cases they previously adjudicated. However, we have observed that during the last seven years, only one judge has contacted our office about a case as a result of the court having received a notice of hearing or final order. Please note that victims and district attorneys in the GEI county receive hearings notices; this bill would not eliminate that requirement. Also, this bill would not prevent the Board from accommodating the request of any judge who wants to opt-in to receive notification on any GEI or REI hearing.

Last year, the Board conducted over 600 hearings. Under current law, when PSRB schedules a hearing, court notification occurs twice: once prior to the hearing, and again after the hearing but immediately prior to the issuance of the board order. Notifying courts alone required almost 1200 mailings in the last year.

Aside from the obvious benefit of eliminating administrative costs associated with court notification, SB 63 would allow staff more time to conduct their other job duties.

Extending the Time to Complete Board Orders

Current Board practice is to deliberate following each hearing and announce the findings immediately and on the record. The verbal order goes into effect immediately, with distribution of the final written order required within 15 days. Senate Bill 63 would extend to 30 days the time to distribute the written order.

PSRB Board Members are part-time and typically meet two to three times per month to conduct hearings. All Board orders require the Board to review and sign the final order. Depending on the complexity of the legal issues associated with a particular hearing, and allowing time for staff and Board edit and review, it may be difficult to draft a legally sufficient order within the current statutory timeline. Under SB 63, the Board would have more time to complete orders, while ensuring that all Board orders meet required legal standards. Finally, the extension outlined in SB 63 should have no effect on anyone under PSRB supervision since findings take effect the day the verbal decision is announced.

We have vetted this bill with our legislative stakeholder workgroup and the Oregon Judicial Department and there does not appear to be any opposition to either of the bill's proposals.