



Legislative Testimony

Oregon Criminal Defense Lawyers Association

March 16, 2019

The Honorable Senator Floyd Prozanski, Chair
Senate Judiciary Committee, Members

Re: Testimony re: SB 762

Dear Chair Prozanski and Members of the Committee:

Thank you for the opportunity to submit the following regarding SB 763:

Senate Bill 763 modifies the language in the current civil commitment scheme to clarify what is meant by dangerousness. Specifically, the bill limits a finding of dangerousness to only those situations in which serious harm is threatened or contemplated.

I was a public defender in Oregon for over four years. I have represented dozens of clients in civil commitment proceedings. Clarification of the standards is necessary to ensure fairness between judges throughout the state.

Civil commitment should be reserved for the most serious of cases. Civil commitment requires a broad deprivation of liberty. A patient is confined to a locked hospital against their will, and may be required to take psychiatric medicine which affect their body and mind in a variety of ways. Although there are some cases in which this deprivation is truly necessary, it should not be lightly or sporadically applied.

As the law is currently written, the definition of 'dangerousness' is up for interpretation, and applied differently from county to county and judge to judge. Removing ambiguity will develop uniformity in application of the standards and ensure the legislative intent is being carried out.

Thank you for your consideration.

/s/ Allison Knight on behalf of OCDLA
Allison Knight
Mental Health Staff Attorney 5/2015-2/2019
Public Defender Services of Lane County
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About OCDLA

The Oregon Criminal Defense Lawyers Association (OCDLA) is a private, non-partisan, non-profit bar association of attorneys who represent juveniles and adults in delinquency, dependency, criminal prosecutions, appeals, civil commitment, and post-conviction relief proceedings throughout the state of Oregon. The Oregon Criminal Defense Lawyers Association serves the defense and juvenile law communities through continuing legal education, public education, networking, and legislative action.

OCDLA promotes legislation beneficial to the criminal and juvenile justice systems that protects the constitutional and statutory rights of those accused of crime or otherwise involved in delinquency and dependency systems as well as to the lawyers and service providers who do this difficult work. We also advocate against issues that would harm our goals of reform within the criminal and juvenile justice systems.

For questions or comments contact:

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