



## Open Government Impact Statement

80th Oregon Legislative Assembly  
2019 Regular Session

## Measure: SB 25-A

Only impacts on Original or Engrossed  
Versions are Considered Official

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Date: 4/1/2019

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### SUMMARY

Directs public bodies, and private medical providers in possession of relevant records, to comply, within specified time period, with court order for release of records to state mental hospital or other facility for purposes of forensic evaluation. Authorizes exception for good cause and for certain entities.

Allows report resulting from forensic evaluation on issue of mental defense to be filed with court electronically. Specifies manner in which report may be disclosed and used.

Allows forensic evaluation on issue of fitness to proceed to be filed with court electronically. Specifies manner in which fitness to proceed evaluations and reports may be disclosed and used.

Requires that court provide, by end of next judicial day, copies of orders relating to fitness to proceed to state mental hospital or other facility and community mental health program director or designee, and, if defendant is found to lack fitness, to any entity ordered to provide services and supervision to restore fitness.

Declares emergency, effective on passage.

### OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure exempts from public disclosure certain reports and evaluations prepared as part of a mental health examination of a defendant conducted prior to a trial in which the defendant is claiming an insanity defense or conducted to determine whether the defendant is unfit to proceed by reason of incapacity.

If those public records that could be subject to public disclosure were instead subject to mandatory disclosure under public records law, the public could gain information regarding mental health examinations of defendants in criminal cases in which the sanity of the defendant is called into question.