

Senate Bill 374

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Task Force on the Determination of a Defendant's Fitness to Proceed by Reason of Incapacity for purpose of studying issues related to procedures and processes for determining defendant's fitness to proceed. Requires task force to make certain recommendations and submit report, including recommendations for legislation, to interim committees of Legislative Assembly related to criminal justice no later than September 15, 2020.

Sunsetts task force on December 31, 2020.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to task force for determining defendant's fitness to proceed; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The Task Force on the Determination of a Defendant's Fitness to Pro-**
5 **ceed by Reason of Incapacity is established.**

6 **(2) The task force consists of 11 members appointed jointly by the Oregon Health Au-**
7 **thority and the Judicial Department as follows:**

8 **(a) One member who is a district attorney.**

9 **(b) One member who is a criminal defense attorney.**

10 **(c) One member who is a sheriff.**

11 **(d) One member representing the Department of Justice.**

12 **(e) One member representing an association of community mental health programs.**

13 **(f) One member representing the Judicial Department.**

14 **(g) One member who is a public safety officer.**

15 **(h) One member representing a nonprofit organization that advocates for individuals with**
16 **disabilities.**

17 **(i) One member who is a person with lived experience of mental illness.**

18 **(j) Two members representing the Oregon Health Authority.**

19 **(3) The task force shall study issues relating to procedures for determining a defendant's**
20 **fitness to proceed and make recommendations regarding:**

21 **(a) Improvements to procedures for conducting examinations that are used to determine**
22 **whether a defendant is fit to proceed;**

23 **(b) The organization of services that are necessary to restore the defendant's fitness af-**
24 **ter a determination has been made that the defendant lacks the fitness to proceed;**

25 **(c) Increased timeliness in completing the determination of fitness process;**

26 **(d) An economical method for using state mental hospital resources; and**

27 **(e) Improvements in assessing a defendant's mental health treatment needs.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) The task force may adopt rules necessary for the operation of the task force.

2 (5) The task force may accept donations of moneys and nonmonetary assistance from any
3 public or private source for the purpose of carrying out the duties of the task force.

4 (6) A majority of the members of the task force constitutes a quorum for the transaction
5 of business.

6 (7) Official action by the task force requires the approval of a majority of the members
7 of the task force.

8 (8) The task force shall elect one of its members to serve as chairperson.

9 (9) If there is a vacancy for any cause, the appointing authority shall make an appoint-
10 ment to become immediately effective.

11 (10) The task force shall meet at times and places specified by the call of the chairperson
12 or of a majority of the members of the task force.

13 (11) The task force may adopt rules necessary for the operation of the task force.

14 (12) The task force shall submit a report, including recommendations for legislation, in
15 the manner provided in ORS 192.245, to the interim committees of the Legislative Assembly
16 related to criminal justice, no later than September 15, 2020.

17 (13) The Oregon Health Authority shall provide staff support to the task force.

18 (14) Members of the task force are not entitled to compensation or reimbursement for
19 expenses and serve as volunteers on the task force.

20 (15) All agencies of state government, as defined in ORS 174.111, are directed to assist
21 the task force in the performance of the duties of the task force and, to the extent permitted
22 by laws relating to confidentiality, to furnish information and advice the members of the task
23 force consider necessary to perform their duties.

24 **SECTION 2.** Section 1 of this 2019 Act is repealed on December 31, 2020.

25 **SECTION 3.** This 2019 Act being necessary for the immediate preservation of the public
26 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
27 on its passage.

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