

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 25**

1 On page 1 of the printed bill, line 2, delete the first “and”.

2 In line 3, after “161.370” insert “; and declaring an emergency”.

3 Delete lines 7 through 11 and insert:

4 **“SECTION 2. (1) Unless otherwise prohibited by law or for good**
5 **cause, all public bodies, as defined in ORS 174.109, and any private**
6 **medical provider in possession of records concerning the defendant,**
7 **shall, within five business days of receipt of the order, comply with a**
8 **court order for the release of records to the state mental hospital or**
9 **other facility designated by the Oregon Health Authority for the pur-**
10 **pose of conducting an examination or evaluation under ORS 161.365**
11 **or 161.370.**

12 **“(2) Notwithstanding subsection (1) of this section, the Oregon**
13 **Youth Authority or the Department of Corrections may, after notify-**
14 **ing the state hospital or other facility designated by the Oregon Health**
15 **Authority, comply with the court order within 15 business days of re-**
16 **ceipt of the order without good cause.”.**

17 In lines 19 through 23, restore the bracketed material and delete the
18 boldfaced material.

19 On page 2, line 4, delete “shall” and insert “may”.

20 After line 5, insert:

21 **“(6) Reports and evaluations conducted under this section are confidential**

1 and may be made available only to the court, the prosecuting attorney, the
2 defense attorney, the defendant and the community mental health program
3 director or designee.”.

4 In line 8, delete “its assistance” and insert “assist it”.

5 Delete lines 21 and 22 and insert:

6 “(b) The court shall provide a copy of any order entered under this sub-
7 section to the community mental health program director or designee and to
8 the state mental hospital or other facility by the end of the next judicial
9 day.”.

10 In line 40, after “attorney” insert “, to the community mental health
11 program director or designee”.

12 On page 3, after line 9, insert:

13 “(7) Reports and evaluations conducted under this section are confidential
14 and may be made available only to the court, the prosecuting attorney, the
15 defense attorney, the defendant and the community mental health program
16 director or designee.”.

17 In line 10, delete “(7)” and insert “(8)”.

18 In line 36, delete “business” and insert “judicial”.

19 On page 6, after line 6, insert:

20 “(15) Reports and evaluations conducted under this section are confiden-
21 tial and may be made available only to the court, the prosecuting attorney,
22 the defense attorney, the defendant and the community mental health pro-
23 gram director or designee.

24 **“SECTION 6. This 2019 Act being necessary for the immediate**
25 **preservation of the public peace, health and safety, an emergency is**
26 **declared to exist, and this 2019 Act takes effect on its passage.”.**

27