

SB 206 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 04/12/21
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-2-1-0
Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski
Nays: 2 - Linthicum, Thatcher
Exc: 1 - Heard
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Amie Fender-Sosa, Counsel
Meeting Dates: 3/18, 4/12

WHAT THE MEASURE DOES:

Requires a defendant, after being found guilty except for insanity, to provide notice to specified parties of intent to request conditional release. Modifies requirements for the court in determining whether a person should be conditionally released. Directs the court to take certain actions depending on the seriousness of the offense. After a court-ordered mental health consultation, if the outcome indicates the necessary supervision and treatment are available in the community and appropriate for the person, requires the local mental health program to evaluate the person to determine whether the person can be adequately controlled with supervision and treatment if conditionally released. Directs the program to report its recommendations to the court and the Psychiatric Security Review Board (PSRB). Establishes timelines for the court notifying the PSRB of placing a person on conditional release and for the PSRB to hold a review hearing. Directs the PSRB to establish, by rule, standards for the mental health consultations and evaluations.

ISSUES DISCUSSED:

- Whether the court conditional release system is underutilized
- Decreasing the burden of unnecessary admissions to the hospital
- Increasing notice to and coordination with community providers and agencies

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

A court-conditional release is a legal mechanism by which an individual who can be safely managed in the community setting can bypass treatment in a state hospital. After a court has found an individual to be guilty except for insanity (GEI), it must also determine the individual's proper placement. The court may discharge the person, commit the person to the Oregon State Hospital, (which is most common) or order terms placing the person in the community on, what is referred to as, "court-ordered conditional release." Regardless of whether a person is conditionally released by the originating court or the PSRB, it is required that persons psychiatrically stable enough to live and be supervised safely in the community do so. When a person is placed on conditional release, the court is required to designate a person, state, county, or local agency, to supervise the person upon release. The monitoring and supervision of every person under the PSRB is ultimately provided by a local county or community mental health program (CMHP) agency contracted with by the Oregon Health Authority. Court-ordered conditional release is governed by ORS 161.327(1)(b).

Senate Bill 206 A modifies the court-conditional release process by increasing required communication between

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parties, agencies, and organizations involved in the process. It modifies requirements for the court in determining whether a person should be conditionally released, specifying when mental health consults and mental health evaluations must be ordered by the court, and directs the PSRB to establish, by rule, standards for mental health consultations and evaluations.