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TESTIMONY ON SENATE BILL 206 SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

March 18, 2021

Chair Prozanski, Vice Chair Thatcher and Members of the Committee:

Thank you for the opportunity to address the Committee regarding SB 206. My name is Melissa Marrero and I am Deputy District Attorney from Multnomah County. My testimony is submitted on behalf of the Multnomah County District Attorney's Office and also the Oregon District Attorneys Association. As an active participant in the PSRB legislative workgroup, I would like to express my appreciation for the collaborative approach that was taken by the various stakeholders throughout the process. SB 206 is a result of that collaboration and is intended to improve processes related to court conditional release of defendants who successfully assert the guilty except for insanity defense (GEI).

A primary goal of this legislation is to ensure that courts actually receive the information they need to make informed decisions about conditional release of PSRB-GEI clients, while also being cognizant of resource limitations. We support this goal and a number of provisions that are contained within the -1 amendment. Specifically, SB 206-1 requires notice when a party to the criminal case intends to seek a court conditional release, ensuring sufficient time for the court to obtain important information that is relevant to its determination. Additionally, the -1 amendment requires that courts provide notice to the PSRB within one judicial day of granting conditional release, ensuring that the Board is timely made aware of new patients placed under its jurisdiction. We encourage adoption of the -1 amendment.

We do believe that one additional minor amendment is necessary and appropriate, however. We are concerned about potential ambiguity regarding the terms "evaluation" and "consultation" in the bill. Further, we are concerned that the bill could be interpreted as limiting a court's ability to order more formal evaluations, if needed, following consultation with a local mental health program. This was not the intent of the workgroup. We remain committed to working with the PSRB and other stakeholders to address these concerns and to ensure the intent of the bill is accomplished without inadvertently creating confusion or limiting court access to critical information.

Respectfully Submitted,

Melissa Marrero

Deputy District Attorney
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