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VIA ELECTRONIC MAIL

SENATE JUDICIARY COMMITTEE
Senator Floyd Prozanski, Chair
Senate Bill 205
February 4, 2021

Testimony of Harris S. Matarazzo, Attorney at Law

Dear Chair Prozansky and Members of the Senate Judiciary Committee:

Enclosed you will find my testimony for inclusion in the record of Senate Bill 205.

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Testimony of Harris S. Matarazzo, Attorney at Law

Chair Prozansky and Members of the Senate Judiciary Committee:

As an attorney who has worked closely with the mental health community and individuals under the jurisdiction of the Adult Psychiatric Security Review Board (PSRB) for more than thirty years, I participated in the 2019- 2021 Interim Workgroup on the PSRB. Senate Bill 205 represents a collaborative effort by Workgroup members to identify, and solve, problems which currently exist in ORS 426.701- .702. These statutes allow for a specialized civil commitment of individuals identified as “Extremely Dangerous Persons with Mental Illness”. Although I am supportive of SB 205, a recently received, amended, version raises a question which, I believe, requires clarification if it is to be enacted into law. Whether the amended Bill is the one being considered today is unclear.

Commitment language in the recently received amended Bill provides that, following the filing of a Petition,

[] [c]ommitment to the custody of the superintendent of the state hospital or the director of a secure mental health facility while the hearing is pending may not exceed 60 days. **If it takes longer than 60 days to bring the petition to a hearing, if the [District Attorney] dismisses the petition, or if the Court, following a hearing, does not commit the person, the person shall be returned to the county of responsibility and the Court shall hold a hearing, if needed, on the petition and any outstanding charges. []**”

ORS 426.701(2)(e). (Emphasis Added) As currently proposed, it appears that if not committed for one of the stated reasons, including following a commitment hearing, the person is to be returned to the “county of responsibility” to potentially

be subjected to an identical proceeding. If the Committee is being asked to consider such a proposal, I cannot support that portion of this Bill.

The Senate Bill 205 received by my office also does not include time limits within which a commitment hearing shall be held. The absence of such language in the current statute has been very problematic. The amended Bill which may be proposed to you today should contain language which provides that hearings are to commence no later than sixty days after the filing of the Petition, and also clarify recurring venue issues.

Thank you for the opportunity to address the Committee.