Requested by Senator GELSER BLOUIN

PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2405

1   On page 2 of the printed A-engrossed bill, line 15, after "(6)" insert
2   "(a)".

3   After line 19, insert:

4   "(b) Notwithstanding paragraph (a) of this subsection, if the court re-
5   ceives notification that the superintendent of the state mental hospital or
6   director of the facility to which the defendant is committed has determined
7   that there is no substantial probability that, in the foreseeable future, the
8   defendant will gain or regain fitness to proceed, an appropriate placement
9   has been arranged for the defendant in a jurisdiction that is not the juris-
10   diction in which the charges were initiated, and the fitness determination is
11   not being contested, the court shall consult with the other jurisdiction and
12   jointly develop a plan to address the discharge of the defendant, or the ini-
13   tiation of commitment proceedings under ORS 426.070 to 426.170, 426.701 or
14   427.235 to 427.290, that addresses the interests of all parties and jurisdictions
15   in a timely manner. If the court orders the defendant to be transported to
16   the other jurisdiction, the other jurisdiction shall provide the victim with
17   an opportunity to be heard concerning the plan.".

18   On page 5, after line 34, insert:

19   "(d) Determine, when there is no substantial probability that, in the
20   foreseeable future, the defendant will gain or regain fitness to proceed,
21   whether an appropriate placement has been arranged for the defendant in a

1 jurisdiction that is not the jurisdiction in which the charges were initiated.

2 If the superintendent or director determines that such a placement has been

3 arranged, the superintendent or director shall notify the court, the parties

4 and the county mental health department in the county in which the place-

5 ment has been arranged.".

6 On page 8, after line 34, insert:

7 "(8) The Oregon Health Authority shall adopt rules to carry out the pro-

8 visions of subsection (1)(d) of this section.".

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