



**TO: Rep. Jason Kropf, Chair
Rep. Kim Wallen, Vice Chair
Rep. Tom Anderson, Vice Chair
House Judiciary Committee Members**

FR: Oregon District Attorney's Association

RE: Support HB 2405

February 21, 2023

Chair Kropf and Members of the House Committee on Judiciary:

The Oregon District Attorneys Association (ODAA) **supports HB 2405 but we are requesting a small amendment.**

HB 2405 requires that if a court intends to dismiss the charges against a defendant who is committed to the Oregon State Hospital (OSH) or other facility, the defendant be immediately transported back to the jurisdiction where the charges were initiated and the dismissal only takes effect on the defendant's arrival in the jurisdiction.

This is an important bill to assist Marion County from the effects of the Mosman decision which is allowing early release of Oregon State Hospital aid and assist defendants.

We are requesting a small amendment:

Language for 161.367(6):

(6) If the court intends to dismiss **all cases/charges of commitment** the charges against a defendant who is committed to and currently located at a state mental hospital or other facility, the court shall order that the defendant be immediately transported back to the jurisdiction in which the charges were initiated, and the dismissal shall take effect only upon the defendant's arrival in that jurisdiction."

Our concern is that a court may dismiss some but not all charges and the defendant won't be able to return to the Oregon State Hospital because of overcrowding. Unless all charges are dismissed a defendant should stay at the Oregon State Hospital.