

HB 2471 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/24

WHAT THE MEASURE DOES:

The measure modifies when a person may be found guilty except for insanity by requiring that the person's incapacity be "primarily the result of a qualifying mental disorder" rather than "as a result of a qualifying mental disorder."

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

ORS 161.295 states that "a person is guilty except for insanity if, as a result of a qualifying mental disorder at the time of engaging in the criminal conduct, the person lacks substantial capacity either to appreciate the criminality of the conduct or to conform the conduct to the requirements of law." "Qualifying mental disorder" is defined so as to "not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct" or "any abnormality constituting solely a personality disorder." A court may order the conditional release, commitment, or discharge of a person found guilty of a crime except for insanity in certain circumstances as described in ORS 161.325(1).

A recent Oregon Supreme Court case, the third in a series of related cases, interpreted ORS 161.295 to "conclude that 'as a result of' must be given its plain, natural, and ordinary meaning, and, therefore, to prove the GEI defense, a defendant must show that their lack of capacity was a 'consequence' or 'effect' of their mental disease or defect. The defendant's mental disease or defect may combine with another condition to cause the lack of capacity, and the mental disease or defect need not be sufficient on its own to cause the lack of capacity." [State v. Meiser, 372 Or. 438, 440 \(2024\)](#) (commonly referred to as "*Meiser III*").