

## HB 2480 -1 STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Prepared By:** Jules Dellinger, LPRO Analyst

**Meeting Dates:** 3/27

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#### **WHAT THE MEASURE DOES:**

The measure directs the Oregon Health Authority to study behavioral health and to submit a report to the legislature no later than September 15, 2026.

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

-1 The amendment permits the Oregon Public Guardian and Conservator to provide guardianship services to defendants whose criminal proceedings have been suspended because the defendant lacks fitness to proceed. The amendment also establishes a liaison position within the Oregon Health Authority to assist with the transition of defendants from commitment to a state hospital or other facility to treatment services in the community and changes the term "community restoration services" to "treatment services." And the amendment provides guidance on what a court may consider when determining whether a defendant lacks fitness to proceed.

#### Detailed Summary

#### **Oregon Public Guardian and Conservator**

Requires the Oregon Public Guardian and Conservator to develop and administer a program to provide guardianship services to defendants who are in the aid and assist process "for persons who do not have relatives or friends willing or able to assume the duties of guardianship or conservatorship and who lack the financial resources to obtain a private guardian or conservator."

#### **Liaison Position**

Requires the Oregon Health Authority to employ at least one person to serve as a liaison for defendants committed to a state hospital or other facility under ORS 161.370 who are discharged from the hospital or facility to engage in treatment services in the community.

#### **Treatment Services**

Replaces "community restoration services" with "treatment services," and changes the definition to "fitness restoration services, medical services, medication management, supportive services, case management services, substance use disorder treatment and any other services that address a person's fitness to proceed or conditions and circumstances that contribute to a person's lack of fitness." Makes necessary changes to statutes to conform to the change.

#### **Fitness Determination Guidance**

States that the court may consider the following when determining whether a defendant has fitness to proceed:

- Evidence of a defendant's prior diagnosis made by a certified evaluator or qualified mental health practitioner;
- A prior evaluation conducted under ORS 161.315 or 161.365;
- Prior determinations that a defendant lacked fitness to proceed;
- Prior commitments of the defendant under ORS chapter 426 or 427;
- The defendant's conduct as observed by the court;

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- Prior court records or assessments relating to actions involving the defendant that contain a mental health diagnosis of the defendant;
- Relevant information on the defendant's mental health diagnosis in the possession of the local supervisory authority, if the defendant is under active supervision; and
- Any other information the court deems relevant.

Permits the court to appoint a temporary fiduciary if the court determines that the appropriate action in the case is the commencement of protective proceedings under ORS 125.600 and 125.605.

### **BACKGROUND:**

The [Oregon Health Authority](#), established by ORS 413.032, is a government agency created to, among other things, carry out policies adopted by the Oregon Health Policy Board, develop policies for and provision of publicly funded medical care and assistance, develop policies for and provision of mental health and addiction treatment, assess, promote, and protect the health of the public, and other healthcare-related duties.