

HB 2488 -3 STAFF MEASURE SUMMARY

Joint Committee On Addiction and Community Safety Response

Prepared By: Jules Dellinger

Meeting Dates: 4/23

WHAT THE MEASURE DOES:

The measure requires the Oregon Health Authority to study civil commitment criteria.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 The amendment updates language in Oregon's civil commitment statutes, modifies the process for allowing a person facing civil commitment to participate in 14 days of intensive treatment instead of proceeding to a civil commitment hearing, modifies the procedure for appointing counsel for a person facing civil commitment, and amends statutes relating to Declarations for Mental Health Treatment to allow a person to indicate a period of inpatient treatment they consent to if they lose capacity and to create a process to allow a person facing commitment to receive treatment under such a declaration instead.

BACKGROUND:

A person diagnosed with a mental disorder who, because of that mental disorder, meets certain criteria based on their risk of harming other people, harming themselves, or being unable to meet their basic needs, can be hospitalized involuntarily by the state under a process called civil commitment. In Oregon, that process is established in [ORS chapter 426](#).

Under Oregon's civil commitment laws, a court may commit a person to treatment if the person is "a person with mental illness," a legal term in the statute, and if the person is not able, willing, or likely to participate in treatment voluntarily. If the person meets the criteria, the court may commit the person for a period of up to 180 days.

"Person with mental illness" is defined as a person who, because of a mental disorder, is (A) "dangerous to self or others," (B) "unable to provide for basic personal needs that are necessary to avoid serious physical harm in the near future, and is not receiving such care as is necessary to avoid such harm," or (C) someone who meets certain expanded criteria related to chronic mental illness, previous commitments, and potential for deterioration. Under the civil commitment statutes, a person facing civil commitment may consent to a period of intensive treatment not exceeding 14 days instead of proceeding to a hearing to determine whether they will be civilly committed. A person facing civil commitment has a right to an attorney and may have an attorney appointed for them or may refuse having an attorney appointed to represent them.