

HOUSE AMENDMENTS TO HOUSE BILL 2467

By COMMITTEE ON JUDICIARY

April 11

On page 1 of the printed bill, line 2, delete “163.738.”.

In line 3, after “426.233” delete the rest of the line and line 4 and insert “and 426.234.”.

Delete lines 6 through 28 and delete pages 2 and 3.

On page 4, delete lines 1 through 9 and insert:

“SECTION 1. Sections 2 and 2a of this 2025 Act are added to and made a part of ORS 426.070 to 426.170.

“SECTION 2. Person with mental illness. (1) A person has a mental illness and is in need of treatment for purposes of ORS 426.005 to 426.390, if the person is in need of treatment because the person:

“(a) Is a danger to self;

“(b) Is a danger to others;

“(c) Is unable to provide for basic personal needs; or

“(d) Has a chronic mental disorder.

“(2) A person is a danger to self for purposes of this section if, because of a mental disorder:

“(a) The person engaged in or threatened to engage in behavior that resulted in or was likely to result in serious physical harm to self; and

“(b) Taking into consideration the person’s particular history and circumstances, it is reasonably foreseeable that the person will engage in such behavior in the near future, even if such behavior is not imminent.

“(3) A person is a danger to others for purposes of this section if, because of a mental disorder:

“(a) The person engaged in or threatened to engage in behavior that resulted in or was likely to result in physical harm to another person; and

“(b) Taking into consideration the person’s particular history and circumstances, it is reasonably foreseeable that the person will engage in such behavior in the near future, even if such behavior is not imminent.

“(4) A person is unable to provide for basic personal needs for purposes of this section if, because of a mental disorder:

“(a) The person is unable to provide for basic personal needs that are necessary for the person to avoid reasonably foreseeable serious physical harm in the near future, even if the serious physical harm is not imminent; and

“(b)(A) The person is not receiving such care as is necessary to avoid such harm; or

“(B) If the person is involuntarily confined in a custodial setting, it is reasonably foreseeable that upon release the person will not receive such care as is necessary to avoid such

1 harm.

2 “(5) A person has a chronic mental disorder for purposes of this section if:

3 “(a) The person is a person with a chronic mental illness, as defined in ORS 426.495; and

4 “(b) Within the previous three years the person has twice been placed in a hospital or
5 approved inpatient facility by the Oregon Health Authority or the Department of Human
6 Services under ORS 426.060.

7 “SECTION 2a. Determinations that a person is in need of treatment. (1) When deter-
8 mining whether a person has a mental illness and is in need of treatment under section 2
9 of this 2025 Act, the court may consider information that assists the court in making its
10 determination, including but not limited to any of the following:

11 “(a) The person’s insight into the person’s mental illness.

12 “(b) The impact of the person’s insight or lack of insight on the person’s ability to follow
13 a recommended treatment plan.

14 “(c) The likelihood that, absent treatment, the person will become dangerous to self,
15 dangerous to others or unable to meet basic personal needs, as described in section 2 of this
16 2025 Act, in the near future.

17 “(d) When possible, a clinical perspective on paragraph (c) of this subsection.

18 “(2) When determining whether a person is in need of treatment because the person is
19 a danger to self as described in section 2 of this 2025 Act, the court may consider information
20 that assists the court in making its determination, including but not limited to any of the
21 following:

22 “(a) The person’s recent overt acts causing or attempting to cause serious physical harm
23 to self.

24 “(b) Recent acts placing the person in circumstances that resulted in or were likely to
25 result in serious physical harm to self.

26 “(c)(A) The person’s recent threats to cause serious physical harm to self and the se-
27 verity of the harm threatened;

28 “(B) Absent treatment, the likelihood of such threats being carried out; and

29 “(C) Absent treatment, the likelihood of such threats reoccurring.

30 “(d) Any past behavior and patterns of deterioration resulting from a mental disorder
31 that contributed to prior involuntary hospitalizations for being a danger to self, how recently
32 the past behavior occurred and the frequency and severity of the past behavior.

33 “(3) When determining whether a person is in need of treatment because the person is
34 a danger to others as described in section 2 of this 2025 Act, the court may consider infor-
35 mation that assists the court in making its determination, including but not limited to any
36 of the following:

37 “(a)(A) Recent overt acts causing or attempting to cause physical harm to another per-
38 son; and

39 “(B) The frequency and severity of such acts.

40 “(b) Recent destructive acts against property that were reasonably likely to place others
41 at risk of physical harm.

42 “(c)(A) Recent threats to cause physical harm to another person;

43 “(B) The severity of the harm threatened;

44 “(C) Absent treatment, the likelihood of such threats being carried out; and

45 “(D) Absent treatment, the likelihood of such threats reoccurring if the person does not

1 receive treatment.

2 “(d)(A) Any past behavior and patterns of deterioration resulting from a mental disorder
3 that contributed to prior involuntary hospitalizations for being a danger to others;

4 “(B) How recently the past behavior occurred; and

5 “(C) The frequency and severity of the past behavior.

6 “(e) The opinion of a licensed independent practitioner that the person is at risk of
7 causing physical harm to another person.

8 “(4) The court may not find that a person is in need of treatment because the person has
9 a chronic mental disorder, as described in section 2 of this 2025 Act, unless the court finds
10 that:

11 “(a) The person is exhibiting symptoms or behavior substantially similar to those that
12 preceded and led to one or more of the hospitalizations or inpatient placements referred to
13 in section 2 (5)(b) of this 2025 Act; and

14 “(b) Absent treatment, the person will continue, to a reasonable medical probability, to
15 physically or mentally deteriorate so that the person will become dangerous to self, danger-
16 ous to others or unable to provide for the person’s basic personal needs, as described in
17 section 2 (2) to (4) of this 2025 Act.

18 “**SECTION 2b.** ORS 426.005 is amended to read:

19 “426.005. (1) As used in ORS 426.005 to 426.390, unless the context requires otherwise:

20 “(a) ‘Community mental health program director’ means the director of an entity that provides
21 the services described in ORS 430.630 (3) to (5).

22 “(b) ‘Director of the facility’ means a superintendent of a state mental hospital, the chief of
23 psychiatric services in a community hospital or the person in charge of treatment and rehabilitation
24 programs at other treatment facilities.

25 “(c) ‘Facility’ means a state mental hospital, community hospital, residential facility,
26 detoxification center, day treatment facility or such other facility as the authority determines suit-
27 able that provides diagnosis and evaluation, medical care, detoxification, social services or rehabil-
28 itation to persons who are in custody during a prehearing period of detention or who have been
29 committed to the Oregon Health Authority under ORS 426.130.

30 “(d) ‘Licensed independent practitioner’ means:

31 “(A) A physician, as defined in ORS 677.010;

32 “(B) A nurse practitioner licensed under ORS 678.375 and authorized to write prescriptions un-
33 der ORS 678.390; or

34 “(C) A naturopathic physician licensed under ORS chapter 685.

35 “(e) ‘Nonhospital facility’ means any facility, other than a hospital, that is approved by the au-
36 thority to provide adequate security, psychiatric, nursing and other services to persons under ORS
37 426.232 or 426.233.

38 “(f) ‘Person with mental illness’ means a person **described in section 2 of this 2025 Act.** [*who,*
39 *because of a mental disorder, is one or more of the following:*]

40 “[*(A) Dangerous to self or others.*]

41 “[*(B) Unable to provide for basic personal needs that are necessary to avoid serious physical harm*
42 *in the near future, and is not receiving such care as is necessary to avoid such harm.*]

43 “[*(C) A person.*]

44 “[*(i) With a chronic mental illness, as defined in ORS 426.495;*]

45 “[*(ii) Who, within the previous three years, has twice been placed in a hospital or approved inpa-*

1 *tient facility by the authority or the Department of Human Services under ORS 426.060;]*

2 *“(iii) Who is exhibiting symptoms or behavior substantially similar to those that preceded and led*
3 *to one or more of the hospitalizations or inpatient placements referred to in sub-subparagraph (ii) of*
4 *this subparagraph; and]*

5 *“(iv) Who, unless treated, will continue, to a reasonable medical probability, to physically or*
6 *mentally deteriorate so that the person will become a person described under either subparagraph (A)*
7 *or (B) of this paragraph or both.]*

8 **“(g) ‘Physical harm’ means physical injury, physical pain or other physiological impair-**
9 **ment, other than an injury, pain or impairment that is trivial in terms of pain or other bodily**
10 **impact.**

11 *“[(g)] (h) ‘Prehearing period of detention’ means a period of time calculated from the initiation*
12 *of custody during which a person may be detained under ORS 426.228, 426.231, 426.232 or 426.233.*

13 **“(i) ‘Serious physical harm’ means physical harm that places a person at risk of death**
14 **or serious and irreversible impairment or deterioration of health or the function of any**
15 **bodily organ.**

16 *“(2) Whenever a community mental health program director, director of the facility, super-*
17 *intendent of a state hospital or administrator of a facility is referred to, the reference includes any*
18 *designee such person has designated to act on the person’s behalf in the exercise of duties.*

19 **“SECTION 2c.** ORS 426.130 is amended to read:

20 **“426.130. (1) After hearing all of the evidence, and reviewing the findings of the examiners, the**
21 **court shall determine whether, by clear and convincing evidence, the person has a mental illness**
22 **and is in need of treatment as described in section 2 of this 2025 Act.**

23 **“(2) [If, in the opinion of the court,] If the court determines under subsection (1) of this**
24 **section that the person:**

25 **“(a) [Is a person with mental illness based upon clear and convincing evidence,] Has a mental**
26 **illness and is in need of treatment as described in section 2 of this 2025 Act, the court:**

27 **“(A) Shall order the release of the person and dismiss the case if:**

28 **“(i) The person is willing and able to participate in treatment on a voluntary basis; and**

29 **“(ii) The court finds that the person will probably do so.**

30 **“(B) May order conditional release under this subparagraph subject to the qualifications and**
31 **requirements under ORS 426.125. If the court orders conditional release under this subparagraph,**
32 **the court shall establish a period of commitment for the conditional release.**

33 **“(C) May order commitment of the person with mental illness to the Oregon Health Authority**
34 **for treatment if, in the opinion of the court, subparagraph (A) or (B) of this paragraph is not in the**
35 **best interest of the person. If the court orders commitment under this subparagraph:**

36 **“(i) The court shall establish a period of commitment.**

37 **“(ii) The authority may place the committed person in outpatient commitment under ORS**
38 **426.127.**

39 **“(D) Shall order that the person be prohibited from purchasing or possessing a firearm if, in the**
40 **opinion of the court, there is a reasonable likelihood the person [would constitute a danger] is dan-**
41 **gerous to self or others or dangerous to the community at large as a result of the person’s mental**
42 **or psychological state as demonstrated by past behavior or participation in incidents involving un-**
43 **lawful violence or threats of unlawful violence, or by reason of a single incident of extreme, violent,**
44 **unlawful conduct. When a court makes an order under this subparagraph, the court shall cause a**
45 **copy of the order to be delivered to the sheriff of the county who will enter the information into the**

1 Law Enforcement Data System.

2 “(b) [*Is not a person with mental illness*] **Is not a person with a mental illness that is in need**
3 **of treatment, as described in section 2 of this 2025 Act**, the court shall release the person from
4 custody if the person has been detained under ORS 426.070, 426.180, 426.228, 426.232 or 426.233 and:

5 “(A) Dismiss the case; or

6 “(B) Order the person to participate in assisted outpatient treatment in accordance with ORS
7 426.133. The court may continue the proceeding for no more than seven days to allow time for the
8 community mental health program director to develop the person’s assisted outpatient treatment
9 plan.

10 “[2)] (3) A court that orders a conditional release, a commitment or assisted outpatient treat-
11 ment under this section shall establish a period of commitment or treatment for the person subject
12 to the order. Any period of commitment ordered for commitment or conditional release under this
13 section shall be for a period of time not to exceed 180 days. A period of assisted outpatient treat-
14 ment shall be for a period of time not to exceed 12 months.

15 “[3)] (4) If the commitment proceeding was initiated under ORS 426.070 (1)(a) and if the notice
16 included a request under ORS 426.070 (2)(d)(B), the court shall notify the two persons of the court’s
17 determination under [*subsection (1) of*] this section.

18 “[4)] (5) If the court finds that the person [*is a person with mental illness*] **has a mental illness**
19 **and is in need of treatment** and either orders commitment under subsection [(1)(a)(B)] (2)(a)(B)
20 or (C) of this section or enters an order under subsection [(1)(a)(D)] (2)(a)(D) of this section, the
21 court shall notify the person that the person is prohibited from purchasing or possessing a firearm
22 under state and federal law unless the person obtains relief from the prohibition from the Psychi-
23 atric Security Review Board under ORS 166.273 or under federal law.”.

24 Delete lines 34 through 38 and insert:

25 “(b) Immediately notify the Oregon Health Authority if commitment is proposed because the
26 person appears to be a person who is in need of treatment because of a chronic mental disorder,
27 as described in section 2 (5) of this 2025 Act. When such notice is received, the authority may verify,
28 to the extent known by the authority, whether or not the person meets the criteria described in
29 section 2 (5) of this 2025 Act and so inform the community mental health program director or
30 designee of the director.”.

31 On page 6, delete lines 19 through 21 and insert “proposed because the person appears to be in
32 need of treatment because of a chronic mental disorder as described in section 2 (5) of this 2025
33 Act, the investigator shall be allowed access to medical records necessary to verify the existence
34 of the criteria described in section 2 (5) of this 2025 Act. The investigator shall include”.

35 On page 7, line 43, delete the boldfaced material and insert “(4)”.

36 On page 9, line 7, delete the boldfaced material and insert “(2)(a)(B)”.

37 In line 13, delete the boldfaced material and insert “(2)(a)(B)”.

38 On page 14, delete lines 21 through 45 and delete pages 15 and 16 and insert:

39 “**SECTION 14. Sections 2 and 2a of this 2025 Act and the amendments to ORS 426.005,**
40 **426.070, 426.074, 426.130, 426.133, 426.160, 426.180, 426.225, 426.228, 426.231, 426.232, 426.233 and**
41 **426.234 by sections 2b to 13 of this 2025 Act apply to individuals who are taken into custody**
42 **by a treatment facility or law enforcement on or after the effective date of this 2025 Act.**

43 “**SECTION 15. The section captions used in this 2025 Act are provided only for the con-**
44 **venience of the reader and do not become part of the statutory law of this state or express**
45 **any legislative intent in the enactment of this 2025 Act.”.**

