

Enrolled
House Bill 2471

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon District Attorneys Association)

CHAPTER

AN ACT

Relating to guilty except for insanity; creating new provisions; amending ORS 161.295; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 161.295 is amended to read:

161.295. (1) A person is guilty except for insanity if, [*as a result of a qualifying mental disorder*] at the time of engaging in 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, **and:**

(a) But for a qualifying mental disorder, the person would have had such substantial capacity;

(b) A mental disorder other than a qualifying mental disorder is not the primary cause of the lack of substantial capacity; and

(c) The lack of substantial capacity is not the result of voluntary intoxication in combination with a qualifying mental disorder, a mental disorder other than a qualifying mental disorder or both.

(2) As used in chapter 743, Oregon Laws 1971, the term “qualifying mental disorder” does not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct, nor does the term include any abnormality constituting solely a personality disorder.

SECTION 2. **The amendments to ORS 161.295 by section 1 of this 2025 Act apply to conduct occurring on or after the effective date of this 2025 Act.**

SECTION 3. **This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.**

Passed by House April 10, 2025

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate May 14, 2025

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State