

**A-Engrossed**  
**House Bill 2804**

Ordered by the House March 25  
Including House Amendments dated March 25

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Tina Kotek for Psychiatric Security Review Board)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act gets rid of the juvenile panel of the PSRB and changes its membership. (Flesch Readability Score: 67.5).

Repeals provisions related to the juvenile panel of the Psychiatric Security Review Board. Provides that the board consists of a single panel of five members and a discretionary alternate member who carry out the board's duties.

Declares an emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to the Psychiatric Security Review Board; creating new provisions; amending ORS 161.348,  
3 161.385, 166.273, 181A.290, 419C.520, 419C.529, 419C.530, 419C.531, 419C.532, 419C.533, 419C.535,  
4 419C.538, 419C.540 and 419C.542; repealing ORS 419C.544; and declaring an emergency.

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

6  
7 **REPEAL OF JUVENILE PANEL**

8  
9 **SECTION 1.** ORS 161.385 is amended to read:

10 161.385. (1) There is hereby created a Psychiatric Security Review Board consisting of [10] **the**  
11 members **described in subsection (2) of this section** appointed by the Governor and subject to  
12 confirmation by the Senate under section 4, Article III of the Oregon Constitution.

13 (2)(a) The membership of the board may not include any district attorney, deputy district at-  
14 torney or public defender.

15 (b) The Governor shall appoint:

16 [(a)] **(A)** A psychiatrist experienced in the criminal justice system and not otherwise employed  
17 on a full-time basis by the Oregon Health Authority or a community mental health program;

18 [(b)] **(B)** A licensed psychologist experienced in the criminal justice system and not otherwise  
19 employed on a full-time basis by the authority or a community mental health program;

20 [(c)] **(C)** A member with substantial experience in the processes of parole and probation;

21 [(d)] **(D)** A lawyer with substantial experience in criminal trial practice; **and**

22 [(e) *A psychiatrist certified, or eligible to be certified, by the Oregon Medical Board in child psy-*  
23 *chiatry who is experienced in the juvenile justice system and not employed on a full-time basis by the*  
24 *authority or a community mental health program;*]

25 [(f) *A licensed psychologist who is experienced in child psychology and the juvenile justice system*

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 *and not employed on a full-time basis by the authority or a community mental health program;]*  
2 *[(g) A member with substantial experience in the processes of juvenile parole and probation;]*  
3 *[(h) A lawyer with substantial experience in juvenile law practice; and]*  
4 *[(i) Two members of the general public.]*

5 **(E) A member of the general public.**

6 **(c) The Governor may appoint a sixth member, to serve as an alternate member as de-**  
7 **scribed in subsection (6)(b) of this section, who has previously served on the board for one**  
8 **or more terms, has demonstrated commitment to the board's strategic plan and is well-**  
9 **versed in the board's operations, policies and procedures.**

10 (3) The term of office of each member is four years. The Governor at any time may remove any  
11 member for inefficiency, neglect of duty or malfeasance in office. Before the expiration of the term  
12 of a member, the Governor shall appoint a successor whose term begins on July 1 next following.  
13 A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make  
14 an appointment to become immediately effective for the unexpired term.

15 (4) A member of the board not otherwise employed full-time by the state shall be paid on a per  
16 diem basis an amount equal to \$289.22, adjusted according to the executive pay plan for the  
17 biennium, for each day during which the member is engaged in the performance of official duties,  
18 including necessary travel time. In addition, subject to ORS 292.220 to 292.250 regulating travel and  
19 other expenses of state officers and employees, the member shall be reimbursed for actual and nec-  
20 essary travel and other expenses incurred in the performance of official duties.

21 (5) Subject to any applicable provision of the State Personnel Relations Law, the board may hire  
22 employees to aid it in performing its duties.

23 **(6)(a) The board consists of [two five-member panels] a single panel of five members appointed**  
24 **under subsection (2)(b) of this section.** The *[adult]* panel is responsible for persons placed under  
25 the board's jurisdiction under ORS 161.315 to 161.351 and *[419C.544 and consists of those members*  
26 *appointed under subsection (2)(a) to (d) of this section and one of the public members. The juvenile*  
27 *panel is responsible for]* young persons placed under the board's jurisdiction under ORS 419C.529  
28 *[and consists of those members appointed under subsection (2)(e) to (h) of this section and the other*  
29 *public member], and for carrying out the board's duties described in ORS 163A.125, 166.273,*  
30 **426.701 and 426.702.**

31 **(b) If a member is appointed under subsection (2)(c) of this section, that member serves**  
32 **as an alternate member of the panel, and may participate as a voting member of the panel**  
33 **for board hearings described in ORS 161.315 to 161.351, 163A.125, 419C.529 to 419C.542, 426.701**  
34 **and 426.702, when a member appointed under subsection (2)(b) of this section is unavailable.**

35 (7)(a) *[Each]* **The** panel shall select one of its members as chairperson to serve for a one-year  
36 term with such duties and powers as the panel determines.

37 (b) A majority of the voting members of *[a]* **the** panel constitutes a quorum for the transaction  
38 of business of the panel.

39 (8) *[Each]* **The** panel shall meet at least twice every month, unless the chairperson determines  
40 that there is not sufficient business before the panel to warrant a meeting at the scheduled time.  
41 The panel shall also meet at other times and places specified by the call of the chairperson or of a  
42 majority of the members of the panel.

43 **SECTION 2.** ORS 419C.529 is amended to read:

44 419C.529. (1) After the entry of a jurisdictional order under ORS 419C.411 (2), if the court finds  
45 by a preponderance of the evidence that the young person, at the time of disposition, has a serious

1 mental condition or has a qualifying mental disorder other than a serious mental condition and  
2 presents a substantial danger to others, requiring conditional release or commitment to a hospital  
3 or facility designated on an individual case basis by the Department of Human Services or the  
4 Oregon Health Authority as provided in subsection (6) of this section, the court shall order the  
5 young person placed under the jurisdiction of the Psychiatric Security Review Board.

6 (2) The court shall determine whether the young person should be committed to a hospital or  
7 facility designated on an individual case basis by the department or the authority, as provided in  
8 subsection (6) of this section, or conditionally released pending a hearing before [*the juvenile panel*  
9 *of*] the Psychiatric Security Review Board as follows:

10 (a) If the court finds that the young person is not a proper subject for conditional release, the  
11 court shall order the young person committed to a secure hospital or a secure intensive community  
12 inpatient facility designated on an individual case basis by the department or the authority, as  
13 provided in subsection (6) of this section, for custody, supervision and treatment pending a hearing  
14 before the [*juvenile panel*] **board** in accordance with ORS 419C.532, 419C.535, 419C.538, 419C.540 and  
15 419C.542 and shall order the young person placed under the jurisdiction of the board.

16 (b) If the court finds that the young person can be adequately controlled with supervision and  
17 treatment services if conditionally released and that necessary supervision and treatment services  
18 are available, the court may order the young person conditionally released, subject to those super-  
19 visory orders of the court that are in the best interests of justice and the young person. The court  
20 shall designate a qualified mental health or developmental disabilities treatment provider or state,  
21 county or local agency to supervise the young person on release, subject to those conditions as the  
22 court directs in the order for conditional release. Prior to the designation, the court shall notify the  
23 qualified mental health or developmental disabilities treatment provider or agency to whom condi-  
24 tional release is contemplated and provide the qualified mental health or developmental disabilities  
25 treatment provider or agency an opportunity to be heard before the court. After receiving an order  
26 entered under this paragraph, the qualified mental health or developmental disabilities treatment  
27 provider or agency designated shall assume supervision of the young person subject to the direction  
28 of the [*juvenile panel*] **board**. The qualified mental health or developmental disabilities treatment  
29 provider or agency designated as supervisor shall report in writing no less than once per month to  
30 the [*juvenile panel*] **board** concerning the supervised young person's compliance with the conditions  
31 of release.

32 (c) For purposes of determining whether to order commitment to a hospital or facility or con-  
33 ditional release, the primary concern of the court is the protection of society.

34 (3) In determining whether a young person should be conditionally released, the court may order  
35 examinations or evaluations deemed necessary.

36 (4) Upon placing a young person on conditional release and ordering the young person placed  
37 under the jurisdiction of the board, the court shall notify the [*juvenile panel*] **board** in writing of the  
38 court's conditional release order, the supervisor designated and all other conditions of release  
39 pending a hearing before the [*juvenile panel*] **board** in accordance with ORS 419C.532, 419C.535,  
40 419C.538, 419C.540 and 419C.542.

41 (5) When making an order under this section, the court shall:

42 (a) Determine whether the parent or guardian of the young person is able and willing to assist  
43 the young person in obtaining necessary mental health or developmental disabilities services and is  
44 willing to acquiesce in the decisions of the [*juvenile panel*] **board**. If the court finds that the parent  
45 or guardian:

1 (A) Is able and willing to do so, the court shall order the parent or guardian to sign an irrev-  
2 ocable consent form in which the parent agrees to any placement decision made by the [*juvenile*  
3 *panel*] **board**.

4 (B) Is unable or unwilling to do so, the court shall order that the young person be placed in the  
5 legal custody of the Department of Human Services for the purpose of obtaining necessary devel-  
6 opmental disabilities services or mental health services.

7 (b) Make specific findings on whether there is a victim and, if so, whether the victim wishes to  
8 be notified of any board hearings and orders concerning the young person and of any conditional  
9 release, discharge or escape of the young person.

10 (c) Include in the order a list of the persons who wish to be notified of any board hearing con-  
11 cerning the young person.

12 (d) Determine on the record the act committed by the young person for which the young person  
13 was found responsible except for insanity.

14 (e) State on the record the qualifying mental disorder on which the young person relied for the  
15 responsible except for insanity defense.

16 (6) When the department designates a facility for the commitment of a young person with a de-  
17 velopmental disability under this section, or the authority designates a hospital or facility for com-  
18 mitment of a young person with mental illness under this section, the department and the authority  
19 shall take into account the care and treatment needs of the young person, the resources available  
20 to the department or the authority and the safety of the public.

21 **SECTION 3.** ORS 419C.530 is amended to read:

22 419C.530. The [*juvenile panel of the*] Psychiatric Security Review Board exercises continuing ju-  
23 risdiction over a young person committed to, or retained in, a hospital or facility designated by the  
24 Department of Human Services or the Oregon Health Authority under ORS 419C.529. If the board  
25 determines after review that the placement of a young person in the particular hospital or facility  
26 is so inappropriate as to create a substantial danger to others, the board may direct the department  
27 or the authority to place the young person in a specific type of facility or direct specific care or  
28 supervision, but the actual placement of the young person is the responsibility of the department  
29 or the authority.

30 **SECTION 4.** ORS 419C.531 is amended to read:

31 419C.531. (1) If the juvenile court or [*the juvenile panel of*] the Psychiatric Security Review  
32 Board determines that a victim desires notification as described in ORS 419C.529, the [*panel*] **board**  
33 shall make a reasonable effort to notify the victim of [*panel*] **board** hearings and orders, conditional  
34 release, discharge or escape. Nothing in this subsection authorizes the [*panel*] **board** to disseminate  
35 information that is otherwise privileged by law.

36 (2) When the [*panel*] **board** conducts a hearing involving a young person found responsible ex-  
37 cept for insanity for an act for which there is a victim, the [*panel*] **board** shall afford the victim an  
38 opportunity to be heard, either orally or in writing, at the hearing.

39 (3)(a) If the [*panel*] **board** fails to make a reasonable effort to notify the victim of a [*panel*] **board**  
40 hearing under subsection (1) of this section or fails to afford the victim an opportunity to be heard  
41 under subsection (2) of this section, the victim may request that the [*panel*] **board** reconsider the  
42 order of the [*panel*] **board**.

43 (b) If the [*panel*] **board** determines that the [*panel*] **board** failed to make a reasonable effort to  
44 notify the victim or failed to afford the victim an opportunity to be heard, except as provided in  
45 paragraph (c) of this subsection, the [*panel*] **board** shall grant the request for reconsideration. Upon

1 reconsideration, the *[panel]* **board** shall consider the statement of the victim and may consider any  
2 other information that was not available to the *[panel]* **board** at the previous hearing.

3 (c) The *[panel]* **board** may not grant a request for reconsideration that is made:

4 (A) After the young person has been discharged from the jurisdiction of the Psychiatric Security  
5 Review Board;

6 (B) After the *[panel]* **board** has held a subsequent hearing involving the young person; or

7 (C) If the *[panel]* **board** failed to make a reasonable effort to notify the victim of a hearing, more  
8 than 30 days after the victim knew or reasonably should have known of the hearing.

9 **SECTION 5.** ORS 419C.532 is amended to read:

10 419C.532. (1) The *[juvenile panel of the]* Psychiatric Security Review Board shall conduct  
11 hearings on an application for discharge, conditional release, commitment or modification filed under  
12 or required by ORS 419C.538, 419C.540 and 419C.542, and shall make findings on the issues before  
13 the *[juvenile panel]* **board**.

14 (2) In every hearing before the *[juvenile panel]* **board**, the *[juvenile panel]* **board** shall determine  
15 whether the young person:

16 (a) Has a serious mental condition; or

17 (b) Has a qualifying mental disorder other than a serious mental condition and presents a sub-  
18 stantial danger to others.

19 (3) The *[juvenile panel]* **board** shall order a young person discharged from commitment or con-  
20 ditional release if the *[juvenile panel]* **board** finds that the young person:

21 (a) No longer has a qualifying mental disorder; or

22 (b) Has a qualifying mental disorder other than a serious mental condition but no longer pre-  
23 sents a substantial danger to others.

24 (4) The *[juvenile panel]* **board** shall order a young person conditionally released subject to ORS  
25 419C.538 if the *[juvenile panel]* **board** finds that:

26 (a) The young person:

27 (A) Has a serious mental condition; or

28 (B) Has a qualifying mental disorder other than a serious mental condition and presents a sub-  
29 stantial danger to others;

30 (b) The young person can be adequately controlled with treatment services as a condition of  
31 release; and

32 (c) Necessary supervision and treatment services are available.

33 (5) The *[juvenile panel]* **board** shall order a young person committed to, or retained in, a hospital  
34 or facility designated by the Department of Human Services or the Oregon Health Authority for  
35 custody, supervision and treatment subject to ORS 419C.540 if the *[juvenile panel]* **board** finds that  
36 the young person:

37 (a)(A) Has a serious mental condition; or

38 (B) Has a qualifying mental disorder other than a serious mental condition and presents a sub-  
39 stantial danger to others; and

40 (b) Cannot be adequately controlled if conditionally released.

41 (6) In determining whether a young person should be committed to or retained in a hospital or  
42 facility, conditionally released or discharged, the primary concern of the *[juvenile panel]* **board** is  
43 the protection of society.

44 (7) In a hearing before the *[juvenile panel]* **board**, a young person who has a qualifying mental  
45 disorder in a state of remission is considered to have a qualifying mental disorder if the qualifying

1 mental disorder may, with reasonable medical probability, occasionally become active.

2 (8)(a) At any time, the [*juvenile panel*] **board** may appoint a psychiatrist certified, or eligible to  
3 be certified, by the Oregon Medical Board in child psychiatry or a licensed psychologist with ex-  
4 pertise in child psychology to examine the young person and submit a written report to the [*juvenile*  
5 *panel*] **board**. Reports filed with the [*juvenile panel*] **board** pursuant to the examination must include,  
6 but need not be limited to, an opinion as to whether the young person:

7 [(a)(A)] **(A)(i)** Has a serious mental condition; or

8 [(B)] **(ii)** Has a qualifying mental disorder other than a serious mental condition and presents  
9 a substantial danger to others; and

10 [(b)] **(B)** Could be adequately controlled with treatment services as a condition of release.

11 **(b) In preparation for a board hearing under ORS 419C.538 (4) or (6), 419C.540 (1) or (4)**  
12 **or 419C.542 (1), (2) or (3), if the board does not include a member who is a psychiatrist cer-**  
13 **tified, or eligible to be certified, by the Oregon Medical Board in child psychiatry who is ex-**  
14 **perienced in the juvenile justice system, or a licensed psychologist who is experienced in**  
15 **child psychology and the juvenile justice system, the board shall appoint a psychiatrist cer-**  
16 **tified, or eligible to be certified, by the Oregon Medical Board in child psychiatry, or a li-**  
17 **icensed psychologist who is experienced in child psychology, to review any exhibits that have**  
18 **been admitted into evidence for the hearing and provide a written report to the board.**

19 (9) The [*juvenile panel*] **board** may make a determination regarding discharge or conditional re-  
20 lease based upon the written report submitted under subsection (8) of this section or ORS 419C.540  
21 (3). If a member of the [*juvenile panel*] **board** desires further information from the examining psy-  
22 chiatrist or licensed psychologist who submitted the report, the [*juvenile panel*] **board** shall summon  
23 the psychiatrist or psychologist to give testimony.

24 (10) The [*juvenile panel*] **board** shall consider all available evidence that is material, relevant  
25 and reliable regarding the issues before the [*juvenile panel*] **board**. Evidence may include, but is not  
26 limited to, the record of the juvenile court adjudication, information supplied by the attorney rep-  
27 resenting the state or by any other interested person, including the young person, information con-  
28 cerning the young person's mental condition and the entire psychiatric and juvenile court history  
29 of the young person. All evidence of a type commonly relied upon by reasonably prudent persons in  
30 the conduct of their serious affairs is admissible at the hearings. Testimony must be taken upon oath  
31 or affirmation of the witness from whom received. The officer presiding at the hearing shall admin-  
32 ister oaths and affirmations to witnesses.

33 (11) The standard of proof on all issues at a hearing of the [*juvenile panel*] **board** is by a pre-  
34 ponderance of the evidence.

35 (12)(a) The [*juvenile panel*] **board** shall furnish written notice of any hearing pending under this  
36 section within a reasonable time prior to the hearing to:

37 (A) The young person about whom the hearing is being conducted;

38 (B) The attorney representing the young person;

39 (C) The young person's parents or guardians, if known;

40 (D) The person having legal custody of the young person;

41 (E) The Attorney General or other attorney representing the state, if any; and

42 (F) The district attorney of the county in which the young person was adjudicated.

43 (b) The [*juvenile panel*] **board** shall include in the notice required by paragraph (a) of this sub-  
44 section:

45 (A) The time, place and location of the hearing;

1 (B) The nature of the hearing, the specific action for which the hearing has been requested, the  
2 issues to be considered at the hearing and a reference to the particular sections of the statutes and  
3 rules involved;

4 (C) A statement of the authority and jurisdiction under which the hearing is to be held; and

5 (D) A statement of all rights under subsection (13) of this section.

6 (13) A young person about whom a hearing is being held has the right:

7 (a) To appear at all proceedings held under this section, except [*juvenile panel*] **board** deliber-  
8 ations.

9 (b) To cross-examine all witnesses appearing to testify at the hearing.

10 (c) To subpoena witnesses and documents as provided in ORS 161.395.

11 (d) To be represented by suitable legal counsel possessing skills and experience commensurate  
12 with the nature and complexity of the case, to consult with counsel prior to the hearing and, if fi-  
13 nancially eligible, to have suitable counsel appointed at state expense.

14 (e) To examine all information, documents and reports that the [*juvenile panel*] **board** considers  
15 and, if the information, documents and reports are available to the [*juvenile panel*] **board** before the  
16 hearing, to examine them prior to the hearing.

17 (14) Except for deliberations of the [*juvenile panel*] **board**, the [*juvenile panel*] **board** shall keep  
18 a record of all hearings before the [*juvenile panel*] **board**.

19 (15) Upon request of a person listed in subsection (12)(a) of this section or on its own motion,  
20 the [*juvenile panel*] **board** may continue a hearing for a reasonable period not to exceed 60 days to  
21 obtain additional information or testimony or for other good cause shown.

22 (16) Within 30 days after the conclusion of the hearing, the [*juvenile panel*] **board** shall provide  
23 written notice of the [*juvenile panel's*] **board's** decision to the young person, the attorney repre-  
24 senting the young person, the young person's parents or guardians, if known, the person having legal  
25 custody of the young person, the district attorney of the county in which the young person was  
26 adjudicated and the Attorney General or other attorney representing the state, if any.

27 (17) The [*juvenile panel*] **board** shall maintain and keep current the medical, social and delin-  
28 quency history of all young persons. The [*juvenile panel*] **board** shall determine the confidentiality  
29 of records maintained by the [*juvenile panel*] **board** pursuant to ORS 192.338, 192.345 and 192.355.

30 **SECTION 6.** ORS 419C.533 is amended to read:

31 419C.533. (1) The [*juvenile panel of the*] Psychiatric Security Review Board, by rule pursuant to  
32 ORS 183.325 to 183.410 and not inconsistent with law, may implement its policies and set out its  
33 procedure and practice requirements and may promulgate such interpretive rules as the [*panel*]  
34 **board** deems necessary or appropriate to carry out its statutory responsibilities.

35 (2) The [*juvenile panel of the*] Psychiatric Security Review Board shall adopt rules defining the  
36 type of dangerous behavior that requires the temporary placement of a young person with mental  
37 retardation in a secure hospital or facility.

38 (3) The [*juvenile panel of the*] Psychiatric Security Review Board shall consult with the Depart-  
39 ment of Human Services about proposed rules relating to developmental disabilities and the Oregon  
40 Health Authority about proposed rules relating to mental illness before issuing proposed rules for  
41 public comment and before adopting rules under this section.

42 **SECTION 7.** ORS 419C.535 is amended to read:

43 419C.535. (1) The [*juvenile panel of the*] Psychiatric Security Review Board shall appoint suitable  
44 counsel to represent a young person about whom a hearing under ORS 419C.532 is being held.  
45 Counsel appointed must be an attorney who satisfies the minimum standards established by the

1 Oregon Public Defense Commission under ORS 151.216. The executive director of the commission  
 2 shall determine and allow fair compensation for counsel appointed under this subsection and the  
 3 reasonable expenses of the young person in respect to the hearing. Compensation payable to ap-  
 4 pointed counsel may not be less than the applicable compensation level established under ORS  
 5 151.216. The executive director shall pay compensation and expenses allowed from funds available  
 6 for that purpose.

7 (2) The *[juvenile panel]* **board** may not order the young person, parent or guardian of the estate  
 8 to pay any part of the administrative costs of appointing counsel for the young person or to pay for  
 9 the costs of legal and other services that are related to the provision of appointed counsel.

10 (3) The Attorney General may represent the state at contested hearings before the *[juvenile*  
 11 *panel]* **board** unless the district attorney of the county in which the young person was adjudicated  
 12 elects to represent the state. The district attorney of the county in which the young person was  
 13 adjudicated shall cooperate with the Attorney General in securing the material necessary for pre-  
 14 senting a contested hearing before the *[juvenile panel]* **board**. If the district attorney elects to rep-  
 15 resent the state, the district attorney shall give timely written notice to the Attorney General, the  
 16 *[juvenile panel]* **board** and the attorney representing the young person.

17 **SECTION 8.** ORS 419C.538 is amended to read:

18 419C.538. (1) When the *[juvenile panel of the]* Psychiatric Security Review Board orders a young  
 19 person conditionally released under ORS 419C.532 (4), the *[juvenile panel]* **board** may designate a  
 20 qualified mental health or developmental disabilities treatment provider or state, county or local  
 21 agency to supervise the young person on release subject to those conditions as the *[juvenile panel]*  
 22 **board** directs in the order for conditional release. Prior to the designation, the *[juvenile panel]*  
 23 **board** shall notify the qualified mental health or developmental disabilities treatment provider or  
 24 agency to whom conditional release is contemplated and provide the qualified mental health or de-  
 25 velopmental disabilities treatment provider or agency an opportunity to be heard before the *[juvenile*  
 26 *panel]* **board**. After receiving an order entered under ORS 419C.532 (4), the qualified mental health  
 27 or developmental disabilities treatment provider or agency designated shall assume supervision of  
 28 the young person pursuant to the direction of the *[juvenile panel]* **board**.

29 (2) Conditions of release contained in orders entered under ORS 419C.532 (4) may be modified  
 30 from time to time and conditional release may be terminated by order of the *[juvenile panel]* **board**  
 31 as provided in ORS 419C.532 and 419C.542.

32 (3)(a) As a condition of release, the *[juvenile panel]* **board** may require the young person to re-  
 33 port to any state, county or local mental health or developmental disabilities facility for evaluation.  
 34 Whenever medical, psychiatric or psychological treatment is recommended, the *[juvenile panel]*  
 35 **board** may order the young person, as a condition of release, to cooperate with and accept the  
 36 treatment of the facility.

37 (b) The facility to which the young person has been referred for evaluation shall perform the  
 38 evaluation and submit a written report of its findings to the *[juvenile panel]* **board**. If the facility  
 39 finds that treatment of the young person is appropriate, the facility shall include its recommen-  
 40 dations for treatment in the report to the *[juvenile panel]* **board**.

41 (c) Whenever treatment is provided by the facility, the facility shall furnish reports to the *[ju-*  
 42 *venile panel]* **board** on a regular basis concerning the progress of the young person.

43 (d) The facility shall comply with any other conditions of release prescribed by order of the  
 44 *[juvenile panel]* **board**.

45 (4) If at any time it appears to the *[juvenile panel]* **board** or the chairperson of the *[juvenile*



1 *panel*] **panel of the board** that a young person has violated the terms of conditional release or that  
 2 the mental health of the young person has changed, the [*juvenile panel*] **board** or the chairperson  
 3 [*of the juvenile panel*] may order the young person returned to a hospital or facility designated by  
 4 the Department of Human Services or the Oregon Health Authority for evaluation and treatment.  
 5 A written order of the [*juvenile panel*] **board**, or the chairperson [*of the juvenile panel*] on behalf of  
 6 the [*juvenile panel*] **board**, is sufficient warrant for any peace officer to take the young person into  
 7 custody and transport the young person accordingly. A peace officer shall execute the order, and  
 8 the young person shall be returned as soon as practicable to a facility designated by the department  
 9 or the authority. Within 20 days following the return of the young person to the facility designated  
 10 by the department or the authority, the [*juvenile panel*] **board** shall conduct a hearing. At a hearing  
 11 required by this subsection, the state has the burden of proving the young person's lack of fitness  
 12 for conditional release.

13 (5) The community mental health program director, the community developmental disabilities  
 14 program director, the director of the facility providing treatment for the young person on condi-  
 15 tional release, a peace officer or a person responsible for the supervision of a young person on  
 16 conditional release may take a young person into custody or request that the young person be taken  
 17 into custody if there is reasonable cause to believe the young person presents a substantial danger  
 18 to others and that the young person is in need of immediate custody, supervision and treatment. A  
 19 young person taken into custody under this subsection must immediately be transported to a hospi-  
 20 tal or facility designated by the department or the authority. Within 20 days following the return  
 21 of the young person to the facility designated by the department or the authority, the [*juvenile*  
 22 *panel*] **board** shall conduct a hearing. At a hearing required by this subsection, the state has the  
 23 burden of proving the young person's lack of fitness for conditional release.

24 (6)(a) A young person conditionally released under ORS 419C.532 (4) may apply to the [*juvenile*  
 25 *panel*] **board** for discharge from or modification of an order of conditional release on the ground that  
 26 the young person no longer has a qualifying mental disorder or, if affected by a qualifying mental  
 27 disorder other than a serious mental condition, no longer presents a substantial danger to others  
 28 and no longer requires supervision or treatment services. Within 60 days after receiving an appli-  
 29 cation under this paragraph, the [*juvenile panel*] **board** shall conduct a hearing. At a hearing re-  
 30 quired by this paragraph, the young person has the burden of proving the young person's fitness for  
 31 discharge or modification of the order of conditional release. A young person may not apply for  
 32 discharge or modification of conditional release more often than once every six months.

33 (b) Upon application by any qualified mental health or developmental disabilities treatment  
 34 provider or state, county or local agency responsible for supervision or treatment services pursuant  
 35 to an order of conditional release, the [*juvenile panel*] **board** shall conduct a hearing to determine  
 36 if the conditions of release should be continued, modified or terminated. The application must be  
 37 accompanied by a report setting forth the facts supporting the application. At a hearing required  
 38 by this paragraph, the state has the burden of proving the young person's lack of fitness for dis-  
 39 charge or modification of the order of conditional release.

40 **SECTION 9.** ORS 419C.540 is amended to read:

41 419C.540. (1) The director of a hospital or facility to which a young person was committed under  
 42 ORS 419C.532 (5) shall apply to the [*juvenile panel of the*] Psychiatric Security Review Board for an  
 43 order of discharge or conditional release of the young person if, at any time after the commitment,  
 44 the director is of the opinion that the young person:

45 (a) No longer has a qualifying mental disorder;

1 (b) Has a qualifying mental disorder other than a serious mental condition but no longer pre-  
2 sents a substantial danger to others; or

3 (c) Can be controlled with proper supervision and treatment services if conditionally released.

4 (2) The director shall include in an application under subsection (1) of this section a report  
5 setting forth the facts that support the opinion of the director. If the application is for conditional  
6 release, the director shall also include a verified conditional release plan. The *[juvenile panel]* **board**  
7 shall hold a hearing on an application under subsection (1) of this section within 30 days of its re-  
8 ceipt. Not less than 10 days prior to the hearing before the *[juvenile panel]* **board**, copies of the re-  
9 port must be sent to the Attorney General or other attorney representing the state, if any, the  
10 district attorney of the county in which the young person was adjudicated, the young person, the  
11 young person's attorney, the young person's parents or guardians, if known, and the person having  
12 legal custody of the young person.

13 (3) The attorney representing the state may choose a psychiatrist certified, or eligible to be  
14 certified, by the Oregon Medical Board in child psychiatry or a licensed psychologist with expertise  
15 in child psychology to examine the young person prior to any decision of the *[juvenile panel]* **board**  
16 on discharge or conditional release. The results of the examination must be in writing and filed with  
17 the *[juvenile panel]* **board** and must include, but need not be limited to, an opinion as to whether the  
18 young person:

19 (a)(A) Has a serious mental condition; or

20 (B) Has a qualifying mental disorder other than a serious mental condition and presents a sub-  
21 stantial danger to others; and

22 (b) Could be adequately controlled with treatment services as a condition of release.

23 (4) A young person who has been committed to a hospital or facility under ORS 419C.532 (5) or  
24 the young person's parents or guardians acting on the young person's behalf may apply to the *[ju-*  
25 *venile panel]* **board** for an order of discharge or conditional release upon the grounds that the young  
26 person:

27 (a) No longer has a qualifying mental disorder;

28 (b) Has a qualifying mental disorder other than a serious mental condition but no longer pre-  
29 sents a substantial danger to others; or

30 (c) Can be controlled with proper supervision and treatment services if conditionally released.

31 (5) When an application is made under subsection (4) of this section, the *[juvenile panel]* **board**  
32 shall require a report from the director of the hospital or facility. The director shall prepare and  
33 transmit the report as provided in subsection (2) of this section.

34 (6) At a hearing on an application under subsection (4) of this section:

35 (a) The applicant has the burden of proving the young person's fitness for discharge or condi-  
36 tional release; or

37 (b) If more than two years have passed since the state had the burden of proving the young  
38 person's lack of fitness for discharge or conditional release, the state has the burden of proving the  
39 young person's lack of fitness for discharge or conditional release.

40 (7) A person may not file an application for discharge or conditional release under subsection  
41 (4) of this section:

42 (a) Sooner than 90 days after the initial *[juvenile panel]* **board** hearing concerning the young  
43 person.

44 (b) If another application for discharge or conditional release of the young person was filed  
45 during the immediately preceding 90 days.

1 (8) The *[juvenile panel]* **board** shall hold a hearing on an application under subsection (4) of this  
2 section within 30 days after the application is filed.

3 (9)(a) The *[juvenile panel]* **board** and the director of a hospital or facility to which a young  
4 person was committed under ORS 419C.532 (5) may not assess any fees or costs against the young  
5 person or the young person's parent or guardian, including but not limited to court-appointed at-  
6 torney fees, examination fees and costs and supervision expenses. This paragraph does not apply to  
7 expenses associated with the young person's treatment.

8 (b) Notwithstanding paragraph (a) of this subsection, if the young person is committed to the  
9 Oregon State Hospital, the young person's ability to pay and cost of care are determined under ORS  
10 179.640 and 179.701.

11 **SECTION 10.** ORS 419C.542 is amended to read:

12 419C.542. (1) A young person committed by the court under ORS 419C.529 to a hospital or fa-  
13 cility designated by the Department of Human Services or the Oregon Health Authority may not be  
14 held in the hospital or facility for more than 90 days from the date of the court's commitment order  
15 without an initial hearing before the *[juvenile panel of the]* Psychiatric Security Review Board to  
16 determine whether the young person should be discharged or conditionally released.

17 (2) A young person may not be held pursuant to an order under ORS 419C.532 (5) for a period  
18 of time exceeding one year without a hearing before the *[juvenile panel]* **board** to determine whether  
19 the young person should be discharged or conditionally released.

20 (3) When a young person has spent three years on conditional release, the *[juvenile panel]* **board**  
21 shall bring the young person before the *[juvenile panel]* **board** no later than 30 days after the expi-  
22 ration of the three-year period. The *[juvenile panel]* **board** shall review the young person's status  
23 and determine whether the young person should be discharged from the jurisdiction of the board.

24 (4) Notwithstanding the fact that a young person who is brought before the *[juvenile panel]*  
25 **board** under subsection (3) of this section continues to have a serious mental condition, the *[juvenile*  
26 *panel]* **board** may discharge the young person if the young person did not exhibit behaviors that  
27 presented a substantial danger to others during the period of conditional release and no longer re-  
28 quires supervision by the *[juvenile panel]* **board**.

29 **SECTION 11.** ORS 419C.544 is repealed.

30  
31 **CONFORMING AMENDMENTS**

32  
33 **SECTION 12.** ORS 161.348 is amended to read:

34 161.348. (1) When a person over whom the Psychiatric Security Review Board exercises juris-  
35 diction under ORS 161.315 to 161.351 *[or 419C.544]* is adversely affected or aggrieved by a final order  
36 of the board, the person is entitled to judicial review of the final order. The person is entitled on  
37 judicial review to suitable counsel possessing skills and experience commensurate with the nature  
38 and complexity of the case. If the person is financially eligible, suitable counsel shall be appointed  
39 by the reviewing court in the manner provided in ORS 138.500 (1). If the person is financially eligi-  
40 ble, the executive director of the Oregon Public Defense Commission shall determine and pay, as  
41 provided in ORS 138.500, the cost of briefs, any other expenses of the person necessary to the review  
42 and compensation for counsel appointed for the person. The costs, expenses and compensation so  
43 allowed shall be paid as provided in ORS 138.500.

44 (2) The order and the proceedings underlying the order are subject to review by the Court of  
45 Appeals upon petition to that court filed within 60 days of the order for which review is sought. The

1 board shall submit to the court the record of the proceeding or, if the person agrees, a shortened  
2 record. The record may include a certified true copy of a tape recording of the proceedings at a  
3 hearing in accordance with ORS 161.346. A copy of the record transmitted shall be delivered to the  
4 person by the board.

5 (3) The court may affirm, reverse or remand the order on the same basis as provided in ORS  
6 183.482 (8).

7 (4) The filing of the petition does not stay the order of the board, but the board or the Court  
8 of Appeals may order a stay upon application on such terms as are deemed proper.

9 **SECTION 13.** ORS 166.273 is amended to read:

10 166.273. (1) A person barred from transporting, shipping, possessing or receiving a firearm may  
11 file a petition with the Psychiatric Security Review Board for relief from the bar if:

12 (a) The person is barred from possessing a firearm under ORS 166.250 (1)(c)(D) or (E);

13 (b) The person is barred from receiving a firearm under ORS 166.470 (1)(e) or (f) or, if the person  
14 has been found guilty except for insanity of a misdemeanor involving violence, ORS 166.470 (1)(g);  
15 or

16 (c) The person is barred from possessing, receiving, shipping or transporting a firearm under 18  
17 U.S.C. 922(d)(4) or (g)(4) as the result of a state mental health determination.

18 (2) The petitioner shall serve a copy of the petition on:

19 (a) The Department of Human Services and the Oregon Health Authority; and

20 (b) The district attorney in each county in which:

21 (A) The person was committed by a court to the Oregon Health Authority, or adjudicated by a  
22 court as a person with mental illness, under ORS 426.130;

23 (B) The person was committed by a court to the Department of Human Services, or adjudicated  
24 by a court as in need of commitment for residential care, treatment and training, under ORS 427.290;

25 (C) The person was found guilty except for insanity under ORS 161.295;

26 (D) The person was found responsible except for insanity under ORS 419C.411; or

27 (E) The person was found by a court to lack fitness to proceed under ORS 161.370.

28 (3) Following receipt of the petition, the board shall conduct a contested case hearing, make  
29 written findings of fact and conclusions of law on the issues before the board and issue a final order.  
30 *[Board members from the adult panel, the juvenile panel or a combination of both panels of the board*  
31 *may conduct the hearings described in this section.]*

32 (4) The state and any person or entity described in subsection (2) of this section may appear and  
33 object to and present evidence relevant to the relief sought by the petitioner.

34 (5) The board shall grant the relief requested in the petition if the petitioner demonstrates,  
35 based on the petitioner's reputation, the petitioner's record, the circumstances surrounding the  
36 firearm disability and any other evidence in the record, that the petitioner will not be likely to act  
37 in a manner that is dangerous to public safety and that granting the relief would not be contrary  
38 to the public interest.

39 (6) If the board grants the relief requested in the petition, the board shall provide to the De-  
40 partment of State Police the minimum information necessary, as defined in ORS 181A.290, to enable  
41 the department to:

42 (a) Maintain the information and transmit the information to the federal government as required  
43 under federal law; and

44 (b) Maintain a record of the person's relief from the disqualification to possess or receive a  
45 firearm under ORS 166.250 (1)(c)(D) or (E) or 166.470 (1)(e), (f) or (g).

1 (7) The petitioner may petition for judicial review of a final order of the board. The petition  
2 shall be filed in the circuit court of a county described in subsection (2)(b) of this section. The re-  
3 view shall be conducted de novo and without a jury.

4 (8) A petitioner may take an appeal from the circuit court to the Court of Appeals. Review by  
5 the Court of Appeals shall be conducted in accordance with ORS 183.500.

6 (9) A person may file a petition for relief under this section no more than once every two years.

7 (10) The board shall adopt procedural rules to carry out the provisions of this section.

8 (11) As used in this section, “state mental health determination” means:

9 (a) A finding by a court that a person lacks fitness to proceed under ORS 161.370;

10 (b) A finding that a person is guilty except for insanity of a crime under ORS 161.295 or re-  
11 sponsible except for insanity of an act under ORS 419C.411 or any determination by the Psychiatric  
12 Security Review Board thereafter;

13 (c) A commitment by a court to the Oregon Health Authority, or an adjudication by a court that  
14 a person is a person with mental illness, under ORS 426.130; or

15 (d) A commitment by a court to the Department of Human Services, or an adjudication by a  
16 court that a person is in need of commitment for residential care, treatment and training, under ORS  
17 427.290.

18 **SECTION 14.** ORS 181A.290 is amended to read:

19 181A.290. (1) The Department of Human Services, the Oregon Health Authority, the Psychiatric  
20 Security Review Board and the Judicial Department shall provide the Department of State Police  
21 with the minimum information necessary to identify persons who:

22 (a) Have been committed by a court to the Oregon Health Authority under ORS 426.130, based  
23 on a finding that the person is dangerous to self or others;

24 (b) Are subject to a court order under ORS 426.130 or 426.133 prohibiting the person from pur-  
25 chasing or possessing a firearm;

26 (c) Have been committed by a court to the Department of Human Services under ORS 427.290,  
27 based on a finding that the person is dangerous to self or others;

28 (d) Have been found by a court to lack fitness to proceed under ORS 161.370;

29 (e) Have been found guilty except for insanity of a crime under ORS 161.290 to 161.373;

30 (f) Have been found responsible except for insanity for an act under ORS 419C.411;

31 (g) Have been placed under the jurisdiction of the Psychiatric Security Review Board under ORS  
32 161.315 to 161.351; or

33 (h) Have been committed to a state hospital or facility under ORS 161.315 to 161.351 or 419C.529  
34 to [419C.544] **419C.542.**

35 (2) Upon receipt of the information described in this section, the Department of State Police  
36 shall access and maintain the information and transmit the information to the federal government  
37 as required under federal law.

38 (3) The Department of Human Services, the Oregon Health Authority, the Psychiatric Security  
39 Review Board and the Judicial Department shall enter into agreements with the Department of State  
40 Police describing the access to information provided under this section.

41 (4) The Department of State Police shall adopt rules:

42 (a) After consulting with the Department of Human Services, the Oregon Health Authority, the  
43 Psychiatric Security Review Board and the Judicial Department, describing the type of information  
44 provided to the Department of State Police under this section; and

45 (b) Describing the method and manner of maintaining the information described in this section

1 and transmitting the information to the federal government.

2 (5) As used in this section, “minimum information necessary” means data elements or nominal  
3 information that is necessary or required under federal law to accurately identify a person described  
4 in this section and includes the person’s name, date of birth, gender and reference information that  
5 identifies the originating agency or court and enables the originating agency or court to locate an  
6 underlying record or file of a person described in this section. “Minimum information necessary”  
7 does not include any medical, psychiatric or psychological information, case histories or files of a  
8 person described in this section or any record or file of an originating agency or court.

9 **SECTION 15.** ORS 419C.520 is amended to read:

10 419C.520. As used in ORS 419C.411, 419C.522 to 419C.527 and 419C.529 to [419C.544] **419C.542:**

11 (1) “Conditional release” includes but is not limited to the monitoring of mental and physical  
12 health treatment.

13 (2) “Qualifying mental disorder” does not include an abnormality:

14 (a) Manifested only by repeated criminal or otherwise antisocial conduct;

15 (b) Constituting solely a personality disorder; or

16 (c) Constituting solely a conduct disorder.

17 (3) “Serious mental condition” means a condition that requires supervision and treatment ser-  
18 vices for the safety of others and is:

19 (a) A mental illness of major depression;

20 (b) A mental illness of bipolar disorder; or

21 (c) A mental illness of psychotic disorder.

22  
23 **TRANSFER OF DUTIES**

24  
25 **SECTION 16.** On the effective date of this 2025 Act, all cases of the juvenile panel of the  
26 Psychiatric Security Review Board are transferred to the single panel of the board described  
27 in ORS 161.385 (6), as amended by section 1 of this 2025 Act.

28  
29 **CAPTIONS**

30  
31 **SECTION 17.** The unit captions used in this 2025 Act are provided only for the conven-  
32 ience of the reader and do not become part of the statutory law of this state or express any  
33 legislative intent in the enactment of this 2025 Act.

34  
35 **EMERGENCY CLAUSE**

36  
37 **SECTION 18.** This 2025 Act being necessary for the immediate preservation of the public  
38 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect  
39 on its passage.