

HB 2467-3
(LC 1448)
4/3/25 (LAS/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of National Alliance on Mental
Illness Oregon)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2467**

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

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

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

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

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

8 **“SECTION 2. Person with mental illness. (1) A person has a mental
9 illness and is in need of treatment for purposes of ORS 426.005 to
10 426.390, if the person is in need of treatment because the person:**

11 **“(a) Is a danger to self;**

12 **“(b) Is a danger to others;**

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

14 **“(d) Has a chronic mental disorder.**

15 **“(2) A person is a danger to self for purposes of this section if, be-
16 cause of a mental disorder:**

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

19 **“(b) Taking into consideration the person’s particular history and
20 circumstances, it is reasonably foreseeable that the person will engage
21 in such behavior in the near future, even if such behavior is not im-**

1 **minent.**

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

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

7 **“(b) Taking into consideration the person’s particular history and**
8 **circumstances, it is reasonably foreseeable that the person will engage**
9 **in such behavior in the near future, even if such behavior is not im-**
10 **minent.**

11 **“(4) A person is unable to provide for basic personal needs for pur-**
12 **poses of this section if, because of a mental disorder:**

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

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

19 **“(B) If the person is involuntarily confined in a custodial setting,**
20 **it is reasonably foreseeable that upon release the person will not re-**
21 **ceive such care as is necessary to avoid such harm.**

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

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

26 **“(b) Within the previous three years the person has twice been**
27 **placed in a hospital or approved inpatient facility by the Oregon**
28 **Health Authority or the Department of Human Services under ORS**
29 **426.060.**

30 **“SECTION 2a. Determinations that a person is in need of treat-**

1 **ment. (1) When determining whether a person has a mental illness and**
2 **is in need of treatment under section 2 of this 2025 Act, the court may**
3 **consider information that assists the court in making its determi-**
4 **nation, including but not limited to any of the following:**

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

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

8 **“(c) The likelihood that, absent treatment, the person will become**
9 **dangerous to self, dangerous to others or unable to meet basic per-**
10 **sonal needs, as described in section 2 of this 2025 Act, in the near fu-**
11 **ture.**

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

14 **“(2) When determining whether a person is in need of treatment**
15 **because the person is a danger to self as described in section 2 of this**
16 **2025 Act, the court may consider information that assists the court in**
17 **making its determination, including but not limited to any of the fol-**
18 **lowing:**

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

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

23 **“(c)(A) The person’s recent threats to cause serious physical harm**
24 **to self and the severity of the harm threatened;**

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

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

28 **“(d) Any past behavior and patterns of deterioration resulting from**
29 **a mental disorder that contributed to prior involuntary**
30 **hospitalizations for being a danger to self, how recently the past be-**

1 **havior occurred and the frequency and severity of the past behavior.**

2 **“(3) When determining whether a person is in need of treatment**
3 **because the person is a danger to others as described in section 2 of**
4 **this 2025 Act, the court may consider information that assists the**
5 **court in making its determination, including but not limited to any**
6 **of the following:**

7 **“(a)(A) Recent overt acts causing or attempting to cause physical**
8 **harm to another person; and**

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

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

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

13 **“(B) The severity of the harm threatened;**

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

16 **“(D) Absent treatment, the likelihood of such threats reoccurring**
17 **if the person does not receive treatment.**

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

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

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

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

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

28 **“(a) The person is exhibiting symptoms or behavior substantially**
29 **similar to those that preceded and led to one or more of the**
30 **hospitalizations or inpatient placements referred to in section 2 (5)(b)**

1 **of this 2025 Act; and**

2 **“(b) Absent treatment, the person will continue, to a reasonable**
3 **medical probability, to physically or mentally deteriorate so that the**
4 **person will become dangerous to self, dangerous to others or unable**
5 **to provide for the person’s basic personal needs, as described in section**
6 **2 (2) to (4) of this 2025 Act.**

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

8 “426.005. (1) As used in ORS 426.005 to 426.390, unless the context requires
9 otherwise:

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

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

16 “(c) ‘Facility’ means a state mental hospital, community hospital, resi-
17 dential facility, detoxification center, day treatment facility or such other
18 facility as the authority determines suitable that provides diagnosis and
19 evaluation, medical care, detoxification, social services or rehabilitation to
20 persons who are in custody during a prehearing period of detention or who
21 have been committed to the Oregon Health Authority under ORS 426.130.

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

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

24 “(B) A nurse practitioner licensed under ORS 678.375 and authorized to
25 write prescriptions under ORS 678.390; or

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

27 “(e) ‘Nonhospital facility’ means any facility, other than a hospital, that
28 is approved by the authority to provide adequate security, psychiatric, nurs-
29 ing and other services to persons under ORS 426.232 or 426.233.

30 “(f) ‘Person with mental illness’ means a person **described in section 2**

1 **of this 2025 Act.** *[who, because of a mental disorder, is one or more of the*
2 *following:]*

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

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

7 *“(C) A person:]*

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

9 *“(ii) Who, within the previous three years, has twice been placed in a*
10 *hospital or approved inpatient facility by the authority or the Department of*
11 *Human Services under ORS 426.060;]*

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

15 *“(iv) Who, unless treated, will continue, to a reasonable medical probabilit-*
16 *ity, to physically or mentally deteriorate so that the person will become a per-*
17 *son described under either subparagraph (A) or (B) of this paragraph or*
18 *both.]*

19 **“(g) ‘Physical harm’ means physical injury, physical pain or other**
20 **physiological impairment, other than an injury, pain or impairment**
21 **that is trivial in terms of pain or other bodily impact.**

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

25 **“(i) ‘Serious physical harm’ means physical harm that places a**
26 **person at risk of death or serious and irreversible impairment or de-**
27 **terioration of health or the function of any bodily organ.**

28 *“(2) Whenever a community mental health program director, director of*
29 *the facility, superintendent of a state hospital or administrator of a facility*
30 *is referred to, the reference includes any designee such person has designated*

1 to act on the person’s behalf in the exercise of duties.

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

3 “426.130. (1) After hearing all of the evidence, and reviewing the findings
4 of the examiners, the court shall determine whether, **by clear and con-**
5 **vincing evidence**, the person has a mental illness and is in need of treat-
6 ment **as described in section 2 of this 2025 Act.**

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

9 **“(a) [Is a person with mental illness based upon clear and convincing evi-**
10 **dence,] Has a mental illness and is in need of treatment as described**
11 **in section 2 of this 2025 Act, the court:**

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

13 **“(i) The person is willing and able to participate in treatment on a vol-**
14 **untary basis; and**

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

16 **“(B) May order conditional release under this subparagraph subject to the**
17 **qualifications and requirements under ORS 426.125. If the court orders**
18 **conditional release under this subparagraph, the court shall establish a pe-**
19 **riod of commitment for the conditional release.**

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

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

25 **“(ii) The authority may place the committed person in outpatient com-**
26 **mitment under ORS 426.127.**

27 **“(D) Shall order that the person be prohibited from purchasing or pos-**
28 **sessing a firearm if, in the opinion of the court, there is a reasonable like-**
29 **lihood the person [would constitute a danger] is dangerous to self or others**
30 **or dangerous to the community at large as a result of the person’s mental**

1 or psychological state as demonstrated by past behavior or participation in
2 incidents involving unlawful violence or threats of unlawful violence, or by
3 reason of a single incident of extreme, violent, unlawful conduct. When a
4 court makes an order under this subparagraph, the court shall cause a copy
5 of the order to be delivered to the sheriff of the county who will enter the
6 information into the Law Enforcement Data System.

7 “(b) [*Is not a person with mental illness*] **Is not a person with a mental**
8 **illness that is in need of treatment, as described in section 2 of this**
9 **2025 Act**, the court shall release the person from custody if the person has
10 been detained under ORS 426.070, 426.180, 426.228, 426.232 or 426.233 and:

11 “(A) Dismiss the case; or

12 “(B) Order the person to participate in assisted outpatient treatment in
13 accordance with ORS 426.133. The court may continue the proceeding for no
14 more than seven days to allow time for the community mental health pro-
15 gram director to develop the person’s assisted outpatient treatment plan.

16 “[2] **(3)** A court that orders a conditional release, a commitment or as-
17 sisted outpatient treatment under this section shall establish a period of
18 commitment or treatment for the person subject to the order. Any period of
19 commitment ordered for commitment or conditional release under this sec-
20 tion shall be for a period of time not to exceed 180 days. A period of assisted
21 outpatient treatment shall be for a period of time not to exceed 12 months.

22 “[3] **(4)** If the commitment proceeding was initiated under ORS 426.070
23 (1)(a) and if the notice included a request under ORS 426.070 (2)(d)(B), the
24 court shall notify the two persons of the court’s determination under [*sub-*
25 *section (1) of*] this section.

26 “[4] **(5)** If the court finds that the person [*is a person with mental*
27 *illness*] **has a mental illness and is in need of treatment** and either orders
28 commitment under subsection [(1)(a)(B)] **(2)(a)(B)** or (C) of this section or
29 enters an order under subsection [(1)(a)(D)] **(2)(a)(D)** of this section, the
30 court shall notify the person that the person is prohibited from purchasing

1 or possessing a firearm under state and federal law unless the person obtains
2 relief from the prohibition from the Psychiatric Security Review Board under
3 ORS 166.273 or under federal law.”.

4 Delete lines 34 through 38 and insert:

5 “(b) Immediately notify the Oregon Health Authority if commitment is
6 proposed because the person appears to be a person who is in need of treat-
7 ment because of a chronic mental disorder, as described in section 2 (5) of
8 this 2025 Act. When such notice is received, the authority may verify, to the
9 extent known by the authority, whether or not the person meets the criteria
10 described in section 2 (5) of this 2025 Act and so inform the community
11 mental health program director or designee of the director.”.

12 On page 6, delete lines 19 through 21 and insert “proposed because the
13 person appears to be in need of treatment because of a chronic mental dis-
14 order as described in section 2 (5) of this 2025 Act, the investigator shall be
15 allowed access to medical records necessary to verify the existence of the
16 criteria described in section 2 (5) of this 2025 Act. The investigator shall
17 include”.

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

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

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

21 On page 14, delete lines 21 through 45 and delete page 15.

22 On page 16, delete lines 1 through 20.

23 In line 21, delete “16” and insert “14” and delete “163.738,”.

24 In line 22, after “433.233” delete the comma and insert “and” and delete
25 “and 430.399”.

26 After line 24 insert:

27 **“SECTION 15. The section captions used in this 2025 Act are pro-
28 vided only for the convenience of the reader and do not become part
29 of the statutory law of this state or express any legislative intent in
30 the enactment of this 2025 Act.”.**

