

HB 2481-2
(LC 2836)
4/22/25 (LAS/JLM/ps)

Requested by JOINT COMMITTEE ON ADDICTION AND COMMUNITY SAFETY RESPONSE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2481**

In line 2 of the printed bill, after “health” insert “; creating new provisions; amending ORS 125.683, 131.005, 161.355, 161.362, 161.365, 161.367, 161.370, 161.371, 161.373, 161.375, 161.390, 162.135, 341.522, 421.107, 426.155 and 430.230; and declaring an emergency”.

Delete lines 4 through 8 and insert:

“LEGISLATIVE FINDINGS

“SECTION 1. The Legislative Assembly finds that the most long-lasting and effective form of restoration of fitness to proceed includes treating the whole person.

**“GUARDIANSHIPS FOR DEFENDANTS LACKING FITNESS TO
PROCEED**

“SECTION 2. Section 3 of this 2025 Act is added to and made a part of ORS 125.675 to 125.691.

“SECTION 3. (1) The Oregon Public Guardian and Conservator shall develop and administer a program to provide guardianship services to defendants whose criminal cases have been suspended or dismissed pursuant to ORS 161.370 due to the defendant lacking fitness to pro-

1 **ceed.**

2 **“(2) Participants in the program must meet the criteria described**
3 **in ORS 125.680 (2) to receive public guardian and conservator services**
4 **under this section.**

5 **“(3) The Oregon Public Guardian and Conservator may provide**
6 **services under this section at any time after the defendant’s fitness**
7 **to proceed is drawn into question.**

8 **“(4) A defendant’s eligibility to participate in the program may be**
9 **determined at any time after a defendant’s fitness to proceed is drawn**
10 **into question or, if the court finds that there is no substantial proba-**
11 **bility that the defendant will, in the foreseeable future, gain or regain**
12 **the fitness to proceed, no later than one year following the date on**
13 **which the defendant’s case is dismissed.**

14 **“(5) In administering the program described in this section, the**
15 **Oregon Public Guardian and Conservator shall collaborate and coor-**
16 **dinate with district attorneys, community mental health programs and**
17 **facilities in which defendants are housed, including the Oregon State**
18 **Hospital.**

19 **“SECTION 4. ORS 125.683 is amended to read:**

20 **“125.683. (1) In providing public guardian and conservator services, the**
21 **Oregon Public Guardian and Conservator shall conduct a needs assessment**
22 **for a person who claims or is claimed not to have relatives or friends willing**
23 **or able to assume the duties of guardianship or conservatorship and who**
24 **claims or is claimed to lack the financial resources to obtain a private**
25 **guardian or conservator. The purpose of the needs assessment is to determine**
26 **the person’s eligibility to receive public guardian and conservator services**
27 **and to determine the appropriateness of filing a petition for the appointment**
28 **of a fiduciary or other pleading on behalf of the person in a court having**
29 **probate jurisdiction. The needs assessment shall, at a minimum:**

30 **“(a) Assess the person’s capacity to:**

1 “(A) Care for the person’s own safety;

2 “(B) Manage the person’s own financial affairs; and

3 “(C) Attend to and provide for necessities such as food, shelter, clothing
4 and medical care;

5 “(b) Assess the person’s financial resources;

6 “(c) Determine whether information that is available about the person is
7 sufficient to support a finding that the person is incapacitated or financially
8 incapable and the entry of a court order for the appointment of a fiduciary
9 under ORS 125.010;

10 “(d) Determine whether any other person may be willing and able to serve
11 as the person’s guardian or conservator and, if appropriate, locate and con-
12 tact that other person;

13 “(e) Determine the type of fiduciary, if any, to request in a petition filed
14 under ORS 125.055, giving preference to the least intrusive form of fiduciary
15 relationship consistent with the best interests of the person; and

16 “(f) Determine how best to provide public guardian and conservator ser-
17 vices to the person that are least restrictive to the person’s liberty, that are
18 least intrusive to the person and that provide for the greatest degree of in-
19 dependence that the person is capable of exercising.

20 “(2)(a) If the person is a resident of a nursing home as defined in ORS
21 678.710 or a residential facility as defined in ORS [441.402] **443.400**, the
22 nursing home or residential facility shall provide the Oregon Public Guard-
23 ian and Conservator access to the person’s records as is necessary to conduct
24 the needs assessment required under this section.

25 “(b) Any other public agency that has provided or is providing care or
26 services to the person shall disclose to the Oregon Public Guardian and
27 Conservator, upon request, a minimum amount of information about the
28 person for whom the needs assessment is being conducted, including pro-
29 tected health information as defined in ORS 192.556 and financial informa-
30 tion, as is reasonably necessary to prevent or lessen a serious and imminent

1 threat to the health or safety of the person who is the subject of the needs
2 assessment. For purposes of this paragraph, a request from the Oregon Public
3 Guardian and Conservator for the purpose of conducting a needs assessment
4 is presumed to be a situation that will prevent or lessen a serious and im-
5 minent threat to the health or safety of the person.

6 “(c) Any health care provider not identified in either paragraph (a) or (b)
7 of this subsection may disclose protected health information to the Oregon
8 Public Guardian and Conservator in accordance with 45 C.F.R. 164.512 (j) to
9 prevent or lessen a serious or imminent threat to the health or safety of a
10 person if the health care provider, in good faith, believes the disclosure is
11 necessary to prevent or lessen the threat. For purposes of this paragraph, a
12 request from the Oregon Public Guardian and Conservator for disclosure
13 under this paragraph for the purposes of conducting a needs assessment, or
14 the good faith belief and disclosure of the health care provider under this
15 paragraph, are presumed to be situations that will prevent or lessen a serious
16 and imminent threat to the health or safety of the person.

17 **“(d) If the person is currently or was previously a defendant in a**
18 **criminal case subject to ORS 161.370, and to the extent authorized by**
19 **federal law, the Oregon Public Guardian and Conservator shall have**
20 **access to any reports resulting from examinations or evaluations of**
21 **the defendant, documents containing recommendation of or resulting**
22 **from consultations with a community mental health program, docu-**
23 **ments submitted to the court by a state mental hospital related to the**
24 **proceedings under ORS 161.370 and any other court records relating to**
25 **the defendant.**

26 “(3) For each person determined to be eligible for public guardian and
27 conservator services under this section, the Oregon Public Guardian and
28 Conservator shall develop a written plan setting forth the type and duration
29 of services to be provided by the Oregon Public Guardian and Conservator.
30 The plan shall be included in any nonemergency petition or pleading filed

1 with the court.

2 **“SECTION 5.** ORS 161.362 is amended to read:

3 “161.362. (1) A recommendation provided by a certified evaluator, pursu-
4 ant to ORS 161.355 to 161.371, that a defendant requires a hospital level of
5 care due to the acuity of the defendant’s symptoms must be based upon the
6 defendant’s current diagnosis and symptomology, the defendant’s current
7 ability to engage in treatment, present safety concerns relating to the de-
8 fendant and any other pertinent information known to the evaluator. If the
9 defendant is in a placement in a facility, the evaluator may defer to the
10 treatment provider’s recommendation regarding whether a hospital level of
11 care is needed.

12 “(2) A determination by a community mental health program director, or
13 the director’s designee, pursuant to ORS 161.355 to 161.371, that appropriate
14 [*community restoration*] **treatment** services are not present and available in
15 the community must include information concerning the specific services
16 necessary to safely allow the defendant to gain or regain fitness to proceed
17 in the community and must specify the necessary services that are not pres-
18 ent and available in the community.

19 “(3)(a) Reports resulting from examinations performed by a certified
20 evaluator, and documents containing the recommendations of or resulting
21 from consultations with a community mental health program director or the
22 director’s designee, prepared under ORS 161.355 to 161.371, and any document
23 submitted to the court by a state mental hospital **or other facility in which**
24 **the defendant is placed**, related to the proceedings under ORS 161.355 to
25 161.371, are confidential and may be made available only:

26 “(A) To the court, prosecuting attorney, defense attorney, agent of the
27 prosecuting or defense attorney, defendant, community mental health pro-
28 gram director or designee, state mental hospital, **Oregon Public Guardian**
29 **and Conservator** and any facility in which the defendant is housed; or

30 “(B) As ordered by a court.

1 “(b) Any facility in which a defendant is housed may not use a report or
2 document described in paragraph (a) of this subsection to support a disci-
3 plinary action against the defendant.

4 “(c) Nothing in this subsection prohibits:

5 “(A) The prosecuting attorney, defense attorney or agent of the prose-
6 cuting or defense attorney from discussing the contents of a report or docu-
7 ment described in paragraph (a) of this subsection with witnesses or victims
8 as otherwise permitted by law.

9 “(B) **The disclosure of reports or documents described in paragraph**
10 **(a) of this subsection, information contained in such reports or docu-**
11 **ments and any records or information used in the preparation of such**
12 **reports or documents, as permitted under ORS 192.567 or for the pur-**
13 **pose of continuity of care as authorized by law or ordered by the court.**

14 “(4) The court shall ensure that an order entered under ORS 161.355 to
15 161.371 is provided, by the end of the next judicial day, to any entity ordered
16 to provide restoration services.

17 “(5) Unless the court orders otherwise or either party objects, a defendant
18 committed to a state mental hospital or **committed to or placed in another**
19 *[other]* facility, or a certified evaluator or other expert witness, may attend
20 hearings held under ORS 161.355 to 161.371 via simultaneous electronic
21 transmission.

22 23 “FITNESS TO PROCEED LIAISON 24

25 “**SECTION 6. Section 7 of this 2025 Act is added to and made a part**
26 **of ORS 161.355 to 161.371.**

27 “**SECTION 7. The Oregon Health Authority shall employ at least**
28 **one individual to serve as a liaison for defendants who have been**
29 **committed to the custody of the superintendent of a state mental**
30 **hospital or director of a facility designated by the Oregon Health Au-**

1 **thority under ORS 161.370, or placed under ORS 161.370 in a secured**
2 **forensic restoration center established under section 14 of this 2025**
3 **Act, but who are then discharged from the hospital or other facility**
4 **and ordered to engage in treatment services in the community, in or-**
5 **der to facilitate the transition.**

6
7 **“FITNESS TO PROCEED PROCESS CHANGES**
8

9 **“SECTION 8.** ORS 161.355 is amended to read:

10 “161.355. As used in ORS 161.355 to 161.371:

11 “(1) ‘Certified evaluator’ has the meaning given that term in ORS 161.309.

12 “[~~(2)~~ ‘Community restoration services’ means services and treatment neces-

13 sary to safely allow a defendant to gain or regain fitness to proceed in the

14 community, which may include supervision by pretrial services.]

15 “[~~(3)~~] **(2)** ‘Hospital level of care’ means that a defendant requires the type

16 of care provided by an inpatient hospital in order to gain or regain fitness

17 to proceed.

18 “[~~(4)~~] **(3)** ‘Public safety concerns’ means that the defendant presents a risk

19 to self or to the public if not hospitalized, [~~or~~] **placed in a secured forensic**

20 **restoration center or** in custody.

21 **“(4) ‘Treatment services’ means fitness restoration services, med-**

22 **ical services, medication management, supportive services, case man-**

23 **agement services, substance use disorder treatment and any other**

24 **services that address a person’s fitness to proceed or conditions and**

25 **circumstances that contribute to a person’s lack of fitness.**

26 **“SECTION 9.** ORS 161.365 is amended to read:

27 “161.365. (1)(a) When the court has reason to doubt the defendant’s fitness

28 to proceed by reason of incapacity as described in ORS 161.360, the court

29 may call any witness to assist it in reaching its decision and, except as

30 provided in paragraph (b) of this subsection, shall order that a community

1 mental health program director, or the director's designee, consult with the
2 defendant and with any local entity that would be responsible for providing
3 [*community restoration*] **treatment** services to the defendant if the defendant
4 were to be released in the community, to determine whether appropriate
5 [*community restoration*] **treatment** services are present and available in the
6 community. After the consultation, the program director or the director's
7 designee shall provide to the court a copy of the findings resulting from the
8 consultation.

9 “(b) If the defendant is charged with one or more of the following offenses
10 the court is not required to, but may in its discretion, order the consultation
11 described in paragraph (a) of this subsection:

12 “(A) Aggravated murder;

13 “(B) Murder in any degree;

14 “(C) Attempted aggravated murder;

15 “(D) Attempted murder in any degree;

16 “(E) Manslaughter in any degree;

17 “(F) Aggravated vehicular homicide;

18 “(G) Arson in the first degree when classified as crime category 10 of the
19 sentencing guidelines grid of the Oregon Criminal Justice Commission;

20 “(H) Assault in the first degree;

21 “(I) Assault in the second degree;

22 “(J) Kidnapping in the first degree;

23 “(K) Kidnapping in the second degree;

24 “(L) Rape in the first degree;

25 “(M) Sodomy in the first degree;

26 “(N) Unlawful sexual penetration in the first degree;

27 “(O) Robbery in the first degree; or

28 “(P) Robbery in the second degree.

29 “(c) If the court determines the assistance of a psychiatrist or psychol-
30 ogist would be helpful **to the court in reaching a determination under**

1 **ORS 161.370**, the court may:

2 “(A) Order that a psychiatric or psychological examination of the de-
3 fendant be conducted by a certified evaluator and a report of the examina-
4 tion be prepared; or

5 “(B) Order the defendant to be committed for the purpose of an examina-
6 tion to a state mental hospital or other facility designated by the Oregon
7 Health Authority if the defendant is at least 18 years of age, or to a secure
8 intensive community inpatient facility designated by the authority if the
9 defendant is under 18 years of age. The state mental hospital or other facility
10 may retain custody of a defendant committed under this paragraph for the
11 duration necessary to complete the examination of the defendant, not to ex-
12 ceed 30 days. The examination may include a period of observation.

13 “(d) The court shall provide a copy of any order entered under this sub-
14 section to the community mental health program director or designee and to
15 the state mental hospital or other facility by the end of the next judicial day.

16 “(2)(a) A defendant committed under subsection (1)(c)(B) of this section
17 shall be transported to the state mental hospital or other facility for the
18 examination.

19 “(b) At the conclusion of the examination, the superintendent of the state
20 mental hospital or the superintendent’s designee or the director of the facil-
21 ity may:

22 “(A) Return the defendant to the facility from which the defendant was
23 transported; or

24 “(B) Inform the court and the parties that the defendant requires a hos-
25 pital level of care due to the acuity of symptoms of the defendant’s qualifying
26 mental disorder and request that the defendant remain at the state mental
27 hospital or other facility pending a hearing or order under ORS 161.370.

28 “(3) The report of an examination described in this section must include,
29 but is not necessarily limited to, the following:

30 “(a) A description of the nature of the examination;

1 “(b) A statement of the mental condition of the defendant;

2 “(c) If the defendant suffers from a qualifying mental disorder, an opinion
3 as to whether the defendant is incapacitated within the description set out
4 in ORS 161.360; and

5 “(d) If the defendant is incapacitated within the description set out in
6 ORS 161.360, a recommendation of treatment and services necessary to allow
7 the defendant to gain or regain capacity, including whether a hospital level
8 of care is required due to the acuity of symptoms of the defendant’s quali-
9 fying mental disorder.

10 “(4) Except when the defendant and the court both request to the con-
11 trary, the report may not contain any findings or conclusions as to whether
12 the defendant as a result of a qualifying mental disorder was subject to the
13 provisions of ORS 161.295 or 161.300 at the time of the criminal act charged.

14 “(5) If the examination by the certified evaluator cannot be conducted by
15 reason of the unwillingness of the defendant to participate in the examina-
16 tion, the report must so state and must include, if possible, an opinion as to
17 whether the unwillingness of the defendant was the result of a qualifying
18 mental disorder affecting fitness to proceed.

19 “(6) The report resulting from the examination of a defendant under this
20 section may be filed electronically and must be filed with the clerk of the
21 court, who shall cause copies to be delivered to the district attorney and to
22 counsel for defendant.

23 “(7)(a) When upon motion of the court or a financially eligible defendant,
24 the court has ordered a psychiatric or psychological examination of the de-
25 fendant, a county or justice court shall order the county to pay, a municipal
26 court shall order the city to pay, and a circuit court shall order the execu-
27 tive director of the Oregon Public Defense Commission to pay from funds
28 available for the purpose:

29 “(A) A reasonable fee if the examination of the defendant is conducted
30 by a certified evaluator in private practice; and

1 “(B) All costs including transportation of the defendant if the examina-
2 tion is conducted by a certified evaluator in the employ of the Oregon Health
3 Authority or a community mental health program established under ORS
4 430.610 to 430.670.

5 “(b) When an examination is ordered at the request or with the
6 acquiescence of a defendant who is determined not to be financially eligible,
7 the examination shall be performed at the defendant’s expense. When an ex-
8 amination is ordered at the request of the prosecution, the county shall pay
9 for the expense of the examination.

10 “(8) The Oregon Health Authority shall establish by rule standards for
11 the consultation described in subsection (1) of this section.

12 **“SECTION 10.** ORS 161.367 is amended to read:

13 “161.367. (1) If at any time the court determines that the defendant lacks
14 fitness to proceed, the court shall further determine whether there is a sub-
15 stantial probability that the defendant, in the foreseeable future, will gain
16 or regain fitness to proceed. If the court determines that there is no sub-
17 stantial probability that the defendant, in the foreseeable future, will gain
18 or regain fitness to proceed, the court shall dismiss, without prejudice and
19 in accordance with subsection (6) of this section, all charges against the
20 defendant and:

21 “(a) Order that the defendant be discharged; or

22 “(b) Initiate commitment proceedings under ORS 426.070, 426.701 or
23 427.235 to 427.292.

24 “(2)(a) The superintendent of the hospital or director of the facility in
25 which the defendant is committed **or placed** under ORS 161.370 or a person
26 examining the defendant as a condition of release to [*community*
27 *restoration*] **treatment** services **in the community** shall notify the court if
28 the defendant gains or regains fitness to proceed.

29 “(b) A party to the case may notify the court if the defendant has gained
30 or regained fitness to proceed.

1 “(c) The court may, upon its own motion or the request of either party,
2 hold a hearing to determine whether the defendant has gained or regained
3 fitness to proceed. If the court determines that the defendant has gained or
4 regained fitness to proceed, the court shall resume the criminal proceeding
5 unless the court determines that so much time has elapsed since the com-
6 mitment or release of the defendant to [*community restoration*] **treatment**
7 services **in the community** that it would be unjust to resume the criminal
8 proceeding. If the court determines that it would be unjust to resume the
9 criminal proceeding, the court, on motion of either party, may dismiss the
10 charge in accordance with subsection (6) of this section, and may order the
11 defendant to be discharged or cause a proceeding to be commenced forthwith
12 under ORS 426.070 to 426.170, 426.701 or 427.235 to 427.292.

13 “(3) If the defendant gains or regains fitness to proceed, the defendant
14 shall be given credit against each charge alleged in the accusatory instru-
15 ment for each day the defendant was committed under ORS 161.370 to the
16 custody of a state mental hospital, or to the custody of a secure intensive
17 community inpatient facility designated by the Oregon Health Authority.

18 “(4) Notwithstanding the suspension of the criminal proceeding under
19 ORS 161.370 (2), the fact that the defendant is unfit to proceed does not
20 preclude any objection through counsel and without the personal partic-
21 ipation of the defendant on the grounds that the indictment is insufficient,
22 that the statute of limitations has run, that double jeopardy principles apply
23 or upon any other ground at the discretion of the court which the court
24 deems susceptible of fair determination prior to trial.

25 “(5) At the time that the court determines that the defendant lacks fitness
26 to proceed under ORS 161.370 (2), the court shall notify the defendant in
27 writing that federal law prohibits the defendant from purchasing or possess-
28 ing a firearm unless the person obtains relief from the prohibition under
29 federal law. The court shall again notify the defendant in writing of the
30 prohibition if the court finds that the defendant has gained or regained fit-

ness to proceed under subsection (2) of this section.

“(6) If the court intends to dismiss all charges involving orders of commitment against a defendant who is committed to and currently located at a state mental hospital or other facility, the court shall order that the defendant be immediately transported back to the jurisdiction in which the charges were initiated, and the dismissal shall take effect only upon the defendant’s arrival in that jurisdiction.

“**SECTION 11.** ORS 161.370 is amended to read:

“161.370. (1)(a) When the defendant’s fitness to proceed is drawn in question, the issue shall be determined by the court. **In making the determination, the court may consider:**

“(A) An evaluation ordered under ORS 161.365 (1)(c);

“(B) Evidence of a prior diagnosis of the defendant made by a certified evaluator or a qualified mental health practitioner;

“(C) A prior evaluation of the defendant conducted under this section or ORS 161.315 or 161.365;

“(D) Prior determinations that the defendant lacked fitness to proceed;

“(E) Prior commitments of the defendant under ORS chapter 426 or 427;

“(F) The defendant’s conduct as observed by the court;

“(G) Prior court records or assessments relating to actions involving the defendant that contain a mental health diagnosis of the defendant;

“(H) Relevant information on the defendant’s mental health diagnosis in the possession of the local supervisory authority, if the defendant is under active supervision; and

“(I) Any other information the court deems relevant.

“(b) If a report is ordered under ORS 161.365 (1)(c) and neither the prosecuting attorney nor counsel for the defendant contests the finding of

1 the report [*filed under ORS 161.365*], the court may make the determination
2 on the basis of the report. If the finding is contested, the court shall hold a
3 hearing on the issue. If the report is received in evidence in the hearing, the
4 party who contests the finding has the right to summon and to cross-examine
5 any certified evaluator who submitted the report and to offer evidence upon
6 the issue. Other evidence regarding the defendant's fitness to proceed may
7 be introduced by either party.

8 “(2)(a) If the court determines that the defendant lacks fitness to proceed,
9 the criminal proceeding against the defendant shall be suspended and the
10 court shall proceed in accordance with this subsection.

11 “(b) After making the determination under paragraph (a) of this sub-
12 section, the court shall receive a recommendation from a community mental
13 health program director or the director's designee, and from any local entity
14 that would be responsible for treating the defendant if the defendant were
15 to be released in the community, concerning whether appropriate [*community*
16 *restoration*] **treatment** services are present and available in the community.

17 “(c) If the parties agree as to the appropriate action under this section,
18 the court may, after making all findings required by law, enter any order
19 authorized by this section. If the parties do not agree as to the appropriate
20 action, the court and the parties shall, at a hearing, consider an appropriate
21 action in the case, and the court shall make a determination and enter an
22 order necessary to implement the action. In determining the appropriate
23 action, the court shall consider the primary and secondary release criteria
24 as defined in ORS 135.230, the least restrictive option appropriate for the
25 defendant, the needs of the defendant and the interests of justice. Actions
26 may include but are not limited to:

27 “(A) Commitment for the defendant to gain or regain fitness to proceed
28 under subsection (3) or (4) of this section;

29 “(B) An order to engage in [*community restoration*] **treatment** services
30 **in the community**, as recommended by the community mental health pro-

gram director or designee, under subsection (6) of this section;

“(C) **Placement in a secured forensic restoration center established under section 14 of this 2025 Act;**

“[(C)] (D) Commencement of a civil commitment proceeding under ORS 426.070 to 426.170, 426.701 or 427.235 to 427.292;

“[(D)] (E) Commencement of protective proceedings under ORS chapter 125; or

“[(E)] (F) Dismissal of the charges pursuant to ORS 135.755 and in accordance with ORS 161.367 (6).

“(d) If the court, while considering or ordering an appropriate action under this subsection, does not order the defendant committed to a state mental hospital or other facility, but finds that appropriate [*community restoration*] **treatment** services are not present and available in the community, for any defendant remaining in custody after such determination, the court shall set a review hearing seven days from the date of the determination under paragraph (a) of this subsection. At the review hearing, the court shall consider all relevant information and determine if commitment to the state mental hospital or other facility is appropriate under subsection (3) or (4) of this section, or if another action described in paragraph (c) of this subsection is appropriate. At the conclusion of the hearing the court shall enter an order in accordance with the defendant’s constitutional rights to due process.

“(e) If the court determines that the appropriate action in the case is an order for the defendant to engage in [*community restoration*] **treatment** services **in the community**, but the defendant has a pending criminal case, warrant or hold in one or more other jurisdictions, the other jurisdictions shall, within two judicial days of becoming aware of the proceeding under this section, communicate with the court and the other jurisdictions, if applicable, to develop a plan to address the interests of all jurisdictions in the defendant in a timely manner.

“(f) **If the court determines that the appropriate action in the case**

1 **is the commencement of protective proceedings under ORS chapter**
2 **125, the court may, in accordance with ORS 125.600 and 125.605, appoint**
3 **a temporary fiduciary for the defendant to exercise the powers of a**
4 **guardian, until a guardian can be appointed.**

5 “(3)(a) If the most serious offense in the charging instrument is a felony,
6 the court shall commit the defendant to the custody of the superintendent
7 of a state mental hospital or director of a facility designated by the Oregon
8 Health Authority if the defendant is at least 18 years of age, or to the cus-
9 tody of the director of a secure intensive community inpatient facility des-
10 ignated by the authority if the defendant is under 18 years of age, if the
11 court makes the following findings:

12 “(A) The defendant requires a hospital level of care due to public safety
13 concerns if the defendant is not hospitalized or in custody or the acuity of
14 symptoms of the defendant’s qualifying mental disorder; and

15 “(B) Based on the findings resulting from a consultation described in ORS
16 161.365 (1), if applicable, from any information provided by community-based
17 mental health providers or any other sources, and primary and secondary
18 release criteria as defined in ORS 135.230, the appropriate [*community resto-*
19 *ration*] **treatment** services are not present and available in the community.

20 “(b) If the defendant is committed under this subsection, the community
21 mental health program director, or director’s designee, shall at regular in-
22 tervals, during any period of commitment, review [*available community res-*
23 *toration*] **treatment** services **available in the community** and maintain
24 communication with the defendant and the superintendent of the state men-
25 tal hospital or director of the facility in order to facilitate an efficient
26 transition to treatment in the community when ordered.

27 “(c) **If the court finds that, pursuant to a level of care utilization**
28 **system, the appropriate placement for the defendant is a secured res-**
29 **idential treatment facility, or that due to public safety concerns, it is**
30 **not appropriate for the defendant to receive treatment in the com-**

1 **munity, but that pursuant to a level of care utilization system the**
2 **defendant does not require a hospital level of care, the court may or-**
3 **der that the defendant be placed in a secured forensic restoration**
4 **center established under section 14 of this 2025 Act.**

5 “[*(c)*] **(d)** If the court does not order the commitment **or placement** of the
6 defendant under this subsection, the court shall proceed in accordance with
7 subsection (2)(c) of this section to determine and order an appropriate action
8 other than commitment **or placement**.

9 “(4)(a) If the most serious offense in the charging instrument is a
10 misdemeanor, the court may not commit the defendant to the custody of the
11 superintendent of a state mental hospital or director of a facility designated
12 by the Oregon Health Authority if the defendant is at least 18 years of age,
13 or to the custody of the director of a secure intensive community inpatient
14 facility designated by the authority if the defendant is under 18 years of age,
15 unless the court:

16 “(A)(i) Receives a recommendation from a certified evaluator that the
17 defendant requires a hospital level of care due to the acuity of symptoms of
18 the defendant’s qualifying mental disorder; and

19 “(ii) Receives a recommendation from a community mental health program
20 director, or director’s designee, that the appropriate [*community restoration*]
21 **treatment** services are not present and available in the community; or

22 “(B) Determines that the defendant requires a hospital level of care after
23 making all of the following written findings:

24 “(i) The defendant needs a hospital level of care due to the acuity of the
25 symptoms of the defendant’s qualifying mental disorder;

26 “(ii) There are public safety concerns; and

27 “(iii) The appropriate [*community restoration*] **treatment** services are not
28 present and available in the community.

29 “(b) If at the time of determining the appropriate action for the case, the
30 court is considering commitment under paragraph (a)(A) of this subsection

1 and:

2 “(A) Has not received a recommendation from a certified evaluator as to
3 whether the defendant requires a hospital level of care due to the acuity of
4 symptoms of the defendant’s qualifying mental disorder, the court shall order
5 a certified evaluator to make such a recommendation.

6 “(B) Has not received a recommendation from the community mental
7 health program director or designee concerning whether appropriate [*com-*
8 *munity restoration*] **treatment** services are present and available in the
9 community, the court shall order the director or designee to make such a
10 recommendation.

11 “(c) If the court finds that, pursuant to a level of care utilization
12 system, the appropriate placement for the defendant is a secured res-
13 idential treatment facility, or that due to public safety concerns, it is
14 not appropriate for the defendant to receive treatment in the com-
15 munity, but that pursuant to a level of care utilization system the
16 defendant does not require a hospital level of care, the court may or-
17 der that the defendant be placed in a secured forensic restoration
18 center established under section 14 of this 2025 Act.

19 “[*(c)*] (d) If the court does not order the commitment **or placement** of the
20 defendant under this subsection, the court shall proceed in accordance with
21 subsection (2)(c) of this section to determine and order an appropriate action
22 other than commitment **or placement**.

23 “[*(d)*] (e) If the defendant is committed **or placed** under this subsection,
24 the community mental health program director, or director’s designee, shall
25 at regular intervals, during any period of commitment **or placement**, review
26 [*available community restoration*] **treatment** services **available in the**
27 **community** and maintain communication with the defendant and the su-
28 perintendent of the state mental hospital or director of the facility in order
29 to facilitate an efficient transition to treatment in the community when or-
30 dered.

1 “(5) If the most serious offense in the charging instrument is a violation,
2 the court may not commit the defendant to the custody of the superintendent
3 of a state mental hospital or director of a facility designated by the Oregon
4 Health Authority if the defendant is at least 18 years of age, or to the cus-
5 tody of the director of a secure intensive community inpatient facility des-
6 ignated by the authority if the defendant is under 18 years of age.

7 “(6)(a) If the court does not order the commitment **or placement** of the
8 defendant under subsection (3) or (4) of this section, if commitment is pre-
9 cluded under subsection (5) of this section or if the court determines that
10 care other than commitment **or placement** would better serve the defendant
11 and the community, the court shall release the defendant, pursuant to an
12 order that the defendant engage in [*community restoration*] **treatment** ser-
13 vices **in the community**, until the defendant has gained or regained fitness
14 to proceed, or until the court finds there is no substantial probability that
15 the defendant will, within the foreseeable future, gain or regain fitness to
16 proceed. The court may not order the defendant to engage in [*community*
17 *restoration*] **treatment** services in another county without permission from
18 the other county.

19 “(b) The court may order a community mental health program director
20 coordinating the defendant’s treatment in the community to provide the
21 court with status reports on the defendant’s progress in gaining or regaining
22 fitness to proceed. The director shall provide a status report if the defendant
23 is not complying with court-ordered [*restoration*] **treatment** services.

24 “(c) A community mental health program director coordinating the
25 defendant’s treatment in the community shall notify the court if the defend-
26 ant gains or regains fitness to proceed. The notice shall be filed with the
27 court and may be filed electronically. The clerk of the court shall cause
28 copies of the notice to be delivered to both the district attorney and the
29 counsel for the defendant.

30 “(d) When a defendant is ordered to engage in [*community restoration*]

1 **treatment services in the community** under this subsection, the court may
2 place conditions that the court deems appropriate on the release, including
3 the requirement that the defendant regularly report to a state mental hospi-
4 tal or a certified evaluator for examination to determine if the defendant has
5 gained or regained fitness to proceed.

6 “(7) The Oregon Health Authority shall establish by rule standards for
7 the recommendation provided to the court described in subsection (2) of this
8 section.

9 **“SECTION 12.** ORS 161.371 is amended to read:

10 “161.371. (1) The superintendent of a state mental hospital or director of
11 a facility to which the defendant is committed **or in which the defendant**
12 **is placed** under ORS 161.370 shall cause the defendant to be evaluated within
13 60 days from the defendant’s delivery into the superintendent’s or director’s
14 custody, for the purpose of determining whether there is a substantial prob-
15 ability that, in the foreseeable future, the defendant will have fitness to
16 proceed. In addition, the superintendent or director shall:

17 “(a) Immediately notify the [*committing*] court if the defendant, at any
18 time, gains or regains fitness to proceed or if there is no substantial proba-
19 bility that, within the foreseeable future, the defendant will gain or regain
20 fitness to proceed.

21 “(b) Within 90 days of the defendant’s delivery into the superintendent’s
22 or director’s custody, notify the [*committing*] court that:

23 “(A) The defendant has present fitness to proceed;

24 “(B) There is no substantial probability that, in the foreseeable future, the
25 defendant will gain or regain fitness to proceed; or

26 “(C) There is a substantial probability that, in the foreseeable future, the
27 defendant will gain or regain fitness to proceed. If the probability exists, the
28 superintendent or director shall give the court an estimate of the time in
29 which the defendant, with appropriate treatment, is expected to gain or re-
30 gain fitness to proceed.

1 “(c) Notify the court if court-ordered involuntary medication is necessary
2 for the defendant to gain or regain fitness to proceed and, if appropriate,
3 submit a report to the court under ORS 161.372.

4 “(2)(a) If the superintendent of the state mental hospital or director of the
5 facility to which the defendant is committed **or in which the defendant is**
6 **placed** determines that there is a substantial probability that, in the fore-
7 seeable future, the defendant will gain or regain fitness to proceed, unless
8 the court otherwise orders, the defendant shall remain in the
9 superintendent’s or director’s custody, **or within the facility**, where the
10 defendant shall receive treatment designed for the purpose of enabling the
11 defendant to gain or regain fitness to proceed. In keeping with the notice
12 requirement under subsection (1)(b) of this section, the superintendent or
13 director shall, for the duration of the defendant’s period of commitment **or**
14 **placement**, submit a progress report to the [committing] court, concerning
15 the defendant’s fitness to proceed, at least once every 180 days as measured
16 from the date of the defendant’s delivery into the superintendent’s or
17 director’s custody **or placement in the facility**.

18 “(b) A progress report described in paragraph (a) of this subsection may
19 consist of an update to:

20 “(A) The original examination report conducted under ORS 161.365; or

21 “(B) An evaluation conducted under subsection (1) of this section, if the
22 defendant did not receive an examination under ORS 161.365.

23 “(3)(a) Notwithstanding subsection (2) of this section, if the most serious
24 offense in the charging instrument is a felony, and the superintendent of the
25 state mental hospital or director of the facility to which the defendant is
26 committed determines that a hospital level of care is no longer necessary due
27 to present public safety concerns and the acuity of symptoms of the
28 defendant’s qualifying mental disorder, the superintendent or director may
29 file notice of the determination with the court. Upon receipt of the notice,
30 the court shall order that a community mental health program director or

1 the director's designee, within five judicial days:

2 “(A) Consult with the defendant and with any local entity that would be
3 responsible for providing [*community restoration*] **treatment** services, if the
4 defendant were to be released in the community, to determine whether
5 [*community restoration*] **treatment** services are present and available in the
6 community; [*and*]

7 **“(B) Consult with the defendant and with the director of any se-**
8 **cured forensic restoration center established under section 14 of this**
9 **2025 Act to determine if such a placement is appropriate for the de-**
10 **fendant; and**

11 “[*B*)] (C) Provide the court and the parties with recommendations from
12 the consultation.

13 “(b) Notwithstanding subsection (2) of this section, if the most serious
14 offense in the charging instrument is a felony, and the community mental
15 health program director determines that [*community restoration*] **treatment**
16 services that would mitigate any risk posed by the defendant are present and
17 available in the community, the community mental health program director
18 may file notice of the determination with the court. Upon receipt of the no-
19 tice, the court shall order that the superintendent of the state mental hos-
20 pital or director of the facility to which the defendant is committed, within
21 five judicial days:

22 “(A) Evaluate the defendant to determine whether a hospital level of care
23 is no longer necessary due to present public safety concerns, or no longer
24 necessary due to the acuity of symptoms of the defendant's qualifying mental
25 disorder; [*and*]

26 **“(B) Evaluate the defendant to determine whether placement in a**
27 **secured forensic restoration center established under section 14 of this**
28 **2025 Act is appropriate for the defendant; and**

29 “[*B*)] (C) Provide the court and the parties with recommendations from
30 the evaluation.

1 “(c) Within 10 judicial days of receiving the recommendations described
2 in paragraph (a) or (b) of this subsection, the court shall hold a hearing to
3 determine an appropriate action in accordance with ORS 161.370 (2)(c) as
4 follows:

5 “(A) If, after consideration of the factors and possible actions described
6 in ORS 161.370 (2)(c) and any recommendations received under paragraph (a)
7 or (b) of this subsection, the court determines that a hospital level of care
8 is necessary due to public safety concerns or the acuity of symptoms of the
9 defendant’s qualifying mental disorder, and that based on the consultation
10 or evaluation described in paragraph (a) or (b) of this subsection, any infor-
11 mation provided by community-based mental health providers or any other
12 sources, primary and secondary release criteria as defined in ORS 135.230,
13 and any other information the court finds to be trustworthy and reliable, the
14 appropriate [*community restoration*] **treatment** services are not present and
15 available in the community, the court may continue the commitment of the
16 defendant.

17 “(B) If the court does not make the determination described in subpara-
18 graph (A) of this paragraph, the court shall terminate the commitment and
19 shall set a review hearing seven days from the date of the commitment ter-
20 mination for any defendant remaining in custody. At the review hearing, the
21 court shall consider all relevant information, determine an appropriate
22 action in the case as described in ORS 161.370 (2)(c) and enter an order in
23 accordance with the defendant’s constitutional rights to due process.

24 “(4)(a) Notwithstanding subsection (2) of this section, if the most serious
25 offense in the charging instrument is a misdemeanor, and the superintendent
26 of the state mental hospital or director of the facility to which the defendant
27 is committed determines that the defendant no longer needs a hospital level
28 of care due to the acuity of symptoms of the defendant’s qualifying mental
29 disorder or there are not present public safety concerns, the superintendent
30 or director shall file notice of the determination with the court, along with

1 recommendations regarding the necessary [*community restoration*] **treatment**
2 services **in the community** that would mitigate any risk presented by the
3 defendant. Upon receipt of the notice, the court shall order that a commu-
4 nity mental health program director or the director's designee, within five
5 judicial days:

6 “(A) Consult with the defendant and with any local entity that would be
7 responsible for providing [*community restoration*] **treatment** services, if the
8 defendant were to be released in the community, to determine whether ap-
9 propriate [*community restoration*] **treatment** services are present and avail-
10 able in the community; [*and*]

11 **“(B) Consult with the defendant and with the director of any se-**
12 **cured forensic restoration center established under section 14 of this**
13 **2025 Act to determine if such a placement is appropriate for the de-**
14 **fendant; and**

15 “[*B*)] (C) Provide the court and the parties with recommendations from
16 the consultation.

17 “(b) Notwithstanding subsection (2) of this section, if the most serious
18 offense in the charging instrument is a misdemeanor, and the community
19 mental health program director determines that the [*community restoration*]
20 **treatment** services that would mitigate any risk posed by the defendant are
21 present and available in the community, the community mental health pro-
22 gram director may file notice of the determination with the court. Upon re-
23 ceipt of the notice, the court shall order that the superintendent of the state
24 mental hospital or director of the facility to which the defendant is com-
25 mitted, within five judicial days:

26 “(A) Evaluate the defendant to determine whether a hospital level of care
27 is no longer necessary due to present public safety concerns, or no longer
28 necessary due to the acuity of symptoms of the defendant's qualifying mental
29 disorder; [*and*]

30 **“(B) Evaluate the defendant to determine whether placement in a**

1 **secured forensic restoration center established under section 14 of this**
2 **2025 Act is appropriate for the defendant; and**

3 “[*(B)*] (C) Provide the court and the parties with recommendations from
4 the evaluation.

5 “(c) Within 10 judicial days of receiving the recommendations described
6 in paragraph (a) or (b) of this subsection, the court shall hold a hearing to
7 determine an appropriate action in accordance with ORS 161.370 (2)(c) as
8 follows:

9 “(A) After consideration of the factors and possible actions described in
10 ORS 161.370 (2)(c), the consultation or evaluation and any recommendations
11 described in paragraph (a) or (b) of this subsection, and any other informa-
12 tion the court finds to be trustworthy and reliable, the court may continue
13 the commitment of the defendant if the court makes written findings that a
14 hospital level of care is necessary due to public safety concerns and the
15 acuity of symptoms of the defendant’s qualifying mental disorder, and that
16 appropriate [*community restoration*] **treatment** services are not present and
17 available in the community.

18 “(B) If the court does not make the findings described in subparagraph
19 (A) of this paragraph, the court shall terminate the commitment and shall
20 set a review hearing seven days from the date of the commitment termination
21 for any defendant remaining in custody. At the review hearing, the court
22 shall consider all relevant information, determine an appropriate action in
23 the case as described in ORS 161.370 (2)(c) and enter an order in accordance
24 with the defendant’s constitutional rights to due process.

25 “(5)(a) If a defendant remains committed under this section, the court
26 shall determine within a reasonable period of time whether there is a sub-
27 stantial probability that, in the foreseeable future, the defendant will gain
28 or regain fitness to proceed. However, regardless of the number of charges
29 with which the defendant is accused, in no event shall the defendant be
30 committed for longer than whichever of the following, measured from the

1 defendant's initial custody date, is shorter:

2 “(A) Three years; or

3 “(B) A period of time equal to the maximum sentence the court could have
4 imposed if the defendant had been convicted.

5 “(b) For purposes of calculating the maximum period of commitment de-
6 scribed in paragraph (a) of this subsection:

7 “(A) The initial custody date is the date on which the defendant is first
8 committed under this section on any charge alleged in the accusatory in-
9 strument; and

10 “(B) The defendant shall be given credit against each charge alleged in
11 the accusatory instrument:

12 “(i) For each day the defendant is committed under this section, whether
13 the days are consecutive or are interrupted by a period of time during which
14 the defendant has gained or regained fitness to proceed; and

15 “(ii) Unless the defendant is charged on any charging instrument with
16 aggravated murder or a crime listed in ORS 137.700 (2), for each day the
17 defendant is held in jail before and after the date the defendant is first
18 committed, whether the days are consecutive or are interrupted by a period
19 of time during which the defendant lacks fitness to proceed.

20 “(c) The superintendent of the state mental hospital or director of the
21 facility to which the defendant is committed shall notify the committing
22 court of the defendant's impending discharge 30 days before the date on
23 which the superintendent or director is required to discharge the defendant
24 under this subsection.

25 **“(6)(a) If at any time the director of a secured forensic restoration**
26 **center established under section 14 of this 2025 Act determines that,**
27 **pursuant to a level of care utilization system, the appropriate place-**
28 **ment for a person placed within the facility is no longer a secured**
29 **residential treatment facility, or that it is appropriate for the court**
30 **to make a new determination on whether the defendant presents pub-**

1 **lic safety concerns, the director shall immediately notify the court of**
2 **the director's determination.**

3 **“(b) Upon receipt of a notice described in this subsection, the court**
4 **shall, within 10 judicial days of receiving the notice, determine an ap-**
5 **propriate action in the case as described in ORS 161.370 (2)(c), which**
6 **may include the release of the defendant to engage in treatment ser-**
7 **vices in the community under ORS 161.370 (6).**

8 **“[(6)(a)] (7) All notices required under this section shall be filed with the**
9 **court and may be filed electronically. The clerk of the court shall cause**
10 **copies of the notices to be delivered to both the district attorney and the**
11 **counsel for the defendant.**

12 **“(b) When the committing court receives a notice from the superintendent**
13 **or director under subsection (1) of this section concerning the defendant's**
14 **progress or lack thereof, or under subsection (5) of this section concerning**
15 **the defendant's impending discharge, the committing court shall determine,**
16 **after a hearing if a hearing is requested, whether the defendant presently**
17 **has fitness to proceed.**

18 **“[(7)] (8) If at any time the court determines that the defendant lacks**
19 **fitness to proceed, the court shall further determine whether the defendant**
20 **is entitled to discharge under subsection (5) of this section. If the court de-**
21 **termines that the defendant is entitled to discharge under subsection (5) of**
22 **this section, the court shall dismiss, without prejudice and in accordance**
23 **with ORS 161.367 (6), all charges against the defendant and:**

24 **“(a) Order that the defendant be discharged; or**

25 **“(b) Initiate commitment proceedings under ORS 426.070, 426.701 or**
26 **427.235 to 427.292.**

27
28 **“SECURED FORENSIC RESTORATION CENTER**

29
30 **“SECTION 13. Section 14 of this 2025 Act is added to and made a**

1 part of ORS 161.355 to 161.371.

2 **“SECTION 14.** (1) The Oregon Health Authority shall establish one
3 or more secured forensic restoration centers for the purpose of pro-
4 viding treatment services to persons determined by a court to lack
5 fitness to proceed under ORS 161.370.

6 **“(2)** A secured forensic restoration center established under this
7 section must be a secured residential treatment facility that is of the
8 most restrictive class under the classification system described in ORS
9 426.238.

10 **“(3)** A person may be placed at a secured forensic restoration center
11 established under this section if:

12 **“(a)(A)** The person cannot be released to engage in treatment ser-
13 vices in the community due to a court determination that the de-
14 fendant presents public safety concerns; and

15 **“(B)** Pursuant to a level of care utilization system, the person does
16 not require a hospital level of care; or

17 **“(b)** Pursuant to a level of care utilization system, the appropriate
18 placement for the person is a secured residential treatment facility.

19 **“(4)** The authority shall ensure that secured forensic restoration
20 centers established under this section have sufficient capacity to ac-
21 cept persons described in subsection (3) of this section who are placed
22 by the court at the center under ORS 161.370.

23 **“(5)** The authority may adopt rules to carry out the provisions of
24 this section.

25
26 **“TRIBAL/STATE COURT INTERSECTION**
27

28 **“SECTION 15.** (1) The Judicial Department shall study tribal and
29 state interactions relating to the involuntary hospitalization and
30 mental or behavioral health treatment of tribal members in the state

1 civil or criminal justice systems. The department shall collect and
2 analyze:

3 “(a) Data related to civil commitment proceedings involving mem-
4 bers of one or more federally recognized tribes;

5 “(b) Data related to competency proceedings for criminal defend-
6 ants who are members of one or more federally recognized tribes;

7 “(c) Data related to findings of guilt except for insanity for criminal
8 defendants who are members of one or more federally recognized
9 tribes;

10 “(d) Data related to the participation of members of one or more
11 federally recognized tribes in specialty courts, including data on cul-
12 turally specific services provided or available to those members in re-
13 lation to their participation in the specialty court; and

14 “(e) Other data the department deems relevant to the intersection
15 between state and tribal mental and behavioral health judicial pro-
16 ceedings.

17 “(2)(a) The Oregon Health Authority shall assist the department in
18 the collection of the data described in subsection (1) of this section
19 and, to the extent permitted by state and federal law, provide the de-
20 partment with information the department considers necessary to
21 conduct the study described in subsection (1) of this section.

22 “(b) Information and data collected by the department or the au-
23 thority under this section may be used only for statistical purposes.

24 “(3)(a) The department shall submit a report in the manner pro-
25 vided by ORS 192.245, and may include recommendations for legis-
26 lation, to the interim committees of the Legislative Assembly related
27 to the judiciary and behavioral health no later than December 15, 2025.

28 “(b) Data contained in the report must be aggregated at the state-
29 wide, countywide and tribal level for each subject identified in sub-
30 section (1) of this section.

1 “(c) The report may not include personally identifiable information
2 regarding any individual.

3 “SECTION 16. (1) The Task Force on the Intersection of Tribal and
4 State Forensic Behavioral Health is established.

5 “(2) The task force consists of 17 members appointed as follows:

6 “(a) The Governor shall appoint four members, as follows:

7 “(A) One member who represents the office of the Governor;

8 “(B) One member who represents the Oregon Health Authority;

9 “(C) One member who represents the Department of Justice; and

10 “(D) One member who represents community mental health pro-
11 viders.

12 “(b) The Governor, in consultation with the Commission on Indian
13 Services, shall appoint 11 members, as follows:

14 “(A) Nine members who are tribal court judges or staff or other
15 individuals designated by an Indian tribe, and who shall each represent
16 one of the nine federally recognized Indian tribes located in Oregon;
17 and

18 “(B) Two members who represent tribal service providers.

19 “(c) The Chief Justice of the Supreme Court shall appoint two
20 members, as follows:

21 “(A) One member who is a judge with expertise in the competency
22 to proceed process; and

23 “(B) One member who is a representative of the Tribal, State, and
24 Federal Court Forum.

25 “(3) The task force shall examine tribal and state interactions re-
26 lating to involuntary hospitalization and mental or behavioral health
27 treatment of tribal members in the state civil and criminal systems
28 and:

29 “(a) Identify data sharing needs between tribal service providers,
30 tribal courts and nontribal service providers, the Oregon Health Au-

thority and Oregon courts, and identify methods for resolving barriers to data sharing;

“(b) Examine mental and behavioral health care services provided within tribal lands and to tribal members and identify barriers to providing care to tribal individuals;

“(c) Determine barriers to tribal members receiving care at the Oregon State Hospital pursuant to competency restoration orders or civil commitment;

“(d) Examine models for tribal and state interactions relating to mental or behavioral health;

“(e) Examine the results of the study described in section 15 of this 2025 Act; and

“(f) Develop recommendations concerning tribal court needs that intersect with state services and barriers to services.

“(4) The task force shall invite and consider perspectives involving forensic or mental health matters before tribal courts, including prosecutors, defenders, people with lived experience, family members of persons with unmet behavioral needs and members of tribal governments.

“(5) Members of the task force who are appointed by the Chief Justice of the Supreme Court are nonvoting members and may act in an advisory capacity only.

“(6) Members of the task force who are tribal court judges or staff appointed under subsection (2)(b)(A) of this section shall act as liaisons between the task force and the tribal government of the tribal court on which the member serves and shall coordinate with a person designated by the relevant tribal government, if any, to facilitate inviting and considering the perspectives of tribal members and to consult with the tribal government on the activities of the task force.

“(7) A majority of the voting members of the task force constitutes

1 a quorum for the transaction of business.

2 “(8) Official action by the task force requires the approval of a
3 majority of the voting members of the task force.

4 “(9) The Governor shall select one member of the task force to
5 serve as chairperson and another to serve as vice chairperson, for the
6 terms and with the duties and powers necessary for the performance
7 of the functions of the offices as the Governor determines.

8 “(10) If there is a vacancy for any cause, the appointing authority
9 shall make an appointment to become immediately effective.

10 “(11) The task force shall meet at times and places specified by the
11 call of the chairperson or of a majority of the voting members of the
12 task force.

13 “(12) The task force may adopt rules necessary for the operation
14 of the task force.

15 “(13) The task force shall submit a report in the manner provided
16 in ORS 192.245 regarding the task force’s examinations, identification,
17 determinations and recommendations described in subsection (3) of
18 this section, and may include recommendations for legislation, to the
19 interim committees of the Legislative Assembly related to the judici-
20 ary and behavioral health no later than December 15, 2026.

21 “(14) The Judicial Department shall provide staff support to the
22 task force.

23 “(15) Members of the task force serve as volunteers on the task
24 force and, unless they are qualified members, as defined in ORS
25 292.495, are not entitled to compensation or reimbursement for ex-
26 penses.

27 “(16) All agencies of state government, as defined in ORS 174.111,
28 are directed to assist the task force in the performance of the duties
29 of the task force and, to the extent permitted by laws relating to
30 confidentiality, to furnish information and advice the members of the

1 task force consider necessary to perform their duties.

2 “(17) All appointments to the task force made under subsection (2)
3 of this section must be completed on or before December 31, 2025.

4 “(18) The task force shall have its first meeting on or before Feb-
5 ruary 1, 2026.

6 “SECTION 17. Sections 15 and 16 of this 2025 Act are repealed on
7 January 2, 2027.

8
9 **“INFORMATION SHARING**

10
11 “SECTION 18. ORS 426.155 is amended to read:

12 “426.155. (1) The provisions of this section apply to the release of infor-
13 mation about a person who is held in custody either pending a commitment
14 proceeding under ORS 426.070, 426.140, 426.228, 426.232, 426.233 or 426.237
15 (1)(b) or while committed or recommitted under ORS 426.005 to 426.390.

16 “(2) Notwithstanding the provisions of ORS 179.495, 179.505 or 192.355 (2)
17 and notwithstanding any other provision of ORS 426.005 to 426.390, a facility
18 or nonhospital facility where a person is held shall establish procedures for
19 releasing information as required under subsections (3) and (4) of this sec-
20 tion.

21 “(3)(a) If a person described in subsection (1) of this section authorizes
22 disclosure as provided in subsection (5) of this section, upon request of a
23 member of the family of the person, or any other designee of the person, a
24 facility or nonhospital facility where the person is held shall provide the
25 family member or the designee with the following information:

26 “(A) The person’s diagnosis;

27 “(B) The person’s prognosis;

28 “(C) The medications prescribed for the person and the side effects of
29 medications prescribed, if any;

30 “(D) The person’s progress;

1 “(E) Information about any civil commitment process, including the date,
2 time and location of the person’s commitment hearing; and

3 “(F) Where and when the person may be visited.

4 “(b) If a request for information is made under this subsection and the
5 person is unable to authorize disclosure as provided in subsection (5) of this
6 section, the requester shall be provided notice of the presence of the person
7 in any facility or nonhospital facility. Information shall not be provided un-
8 der this paragraph if the licensed independent practitioner who is treating
9 the person determines that it would not be in the person’s best interest to
10 provide the information or if providing the information is prohibited by fed-
11 eral law.

12 “(4) Upon the admission of any person to a facility or nonhospital facility
13 under ORS 426.005 to 426.390, the facility or nonhospital facility shall make
14 reasonable attempts to notify the person’s next of kin, or any other designee
15 of the person, of the person’s admission, unless the person requests that this
16 information not be provided. The facility or nonhospital facility shall make
17 reasonable attempts to notify the person’s next of kin, or any other designee
18 of the person, of the person’s release, transfer, serious illness, injury or death
19 upon request of the family member or designee, unless the person requests
20 that this information not be provided. The person shall be advised by the
21 facility or nonhospital facility that the person has the right to request that
22 this information not be provided.

23 “(5) The person who is held in custody shall be notified by the facility
24 or nonhospital facility that information about the person has been requested.
25 Except as provided in subsection (3) of this section, the consent of the person
26 who is held is required for release of information under subsections (3) and
27 (4) of this section. If, when initially informed of the request for information,
28 the person is unable to give voluntary and informed consent to authorize the
29 release of information, notation of the attempt shall be made in the person’s
30 treatment record and daily efforts shall be made to secure the person’s con-

1 sent or refusal of authorization.

2 “(6) Notwithstanding any other provision of this section, an individual
3 eligible to receive information under subsection (3) of this section may not
4 receive information unless the individual first agrees to make no further
5 disclosure of the information. The agreement may be made orally.

6 “(7) A facility or nonhospital facility that releases information under
7 subsection (3) or (4) of this section shall:

8 “(a) Notify the person who is held to whom, when and what information
9 was released; and

10 “(b) Note in the medical record of the person who is held:

11 “(A) The basis for finding that the person gave voluntary and informed
12 consent;

13 “(B) The oral or written consent of the person who is held;

14 “(C) To whom, when and what information was released;

15 “(D) The agreement to the requirements of subsection (6) of this section
16 by the requester; and

17 “(E) Any determination made by the licensed independent practitioner
18 under subsection (3)(b) of this section regarding the provision of notice of
19 the presence of the person in any facility or nonhospital facility.

20 “(8) A facility or nonhospital facility, including the staff of such facilities
21 and nonhospital facilities, that releases information under this section or
22 rules adopted under ORS 426.236 may not be held civilly or criminally liable
23 for damages caused or alleged to be caused by the release of information or
24 the failure to release information as long as the release was done in good
25 faith and in compliance with subsections (3) and (4) of this section or rules
26 adopted under ORS 426.236.

27 “(9) The provisions of subsections (3) and (4) of this section do not limit
28 the ability or obligation of facilities, nonhospital facilities, licensed inde-
29 pendent practitioners, mental health care providers or licensed mental health
30 professionals to provide information:

1 “(a) To other health care services providers, the Department of
2 Corrections, the Oregon Health Authority or a local correctional fa-
3 cility when necessary or beneficial to the person’s treatment, as pro-
4 vided under ORS 179.505 (6); or

5 “(b) As otherwise allowed or required by state or federal law or by
6 order of the court.

7
8 **“CONFORMING AMENDMENTS**

9
10 **“SECTION 19.** ORS 131.005 is amended to read:

11 “131.005. As used in sections 1 to 311, chapter 836, Oregon Laws 1973,
12 except as otherwise specifically provided or unless the context requires oth-
13 erwise:

14 “(1) ‘Accusatory instrument’ means a grand jury indictment, an informa-
15 tion or a complaint.

16 “(2) ‘Bench warrant’ means a process of a court in which a criminal
17 action is pending, directing a peace officer to take into custody a defendant
18 in the action who has previously appeared before the court upon the
19 accusatory instrument by which the action was commenced, and to bring the
20 defendant before the court. The function of a bench warrant is to achieve
21 the court appearance of a defendant in a criminal action for some purpose
22 other than the initial arraignment of the defendant in the action.

23 “(3) ‘Complaint’ means a written accusation, verified by the oath of a
24 person and bearing an indorsement of acceptance by the district attorney
25 having jurisdiction thereof, filed with a magistrate, and charging another
26 person with the commission of an offense, other than an offense punishable
27 as a felony. A complaint serves both to commence an action and as a basis
28 for prosecution thereof.

29 “(4) ‘Complainant’s information’ means a written accusation, verified by
30 the oath of a person and bearing an indorsement of acceptance by the district

1 attorney having jurisdiction thereof, filed with a magistrate, and charging
2 another person with the commission of an offense punishable as a felony. A
3 complainant's information serves to commence an action, but not as a basis
4 for prosecution thereof.

5 “(5) ‘Correctional facility’ means any place used for the confinement of
6 persons charged with or convicted of a crime or otherwise confined under a
7 court order. ‘Correctional facility’ does not include a youth correction facil-
8 ity as defined in ORS 162.135 and applies to a state hospital **or a secured**
9 **forensic restoration center established under section 14 of this 2025**
10 **Act** only as to persons detained therein charged with or convicted of a crime,
11 or detained therein after being found guilty except for insanity under ORS
12 161.290 to 161.373.

13 “(6) ‘Criminal action’ means an action at law by means of which a person
14 is accused of the commission of a violation, misdemeanor or felony.

15 “(7) ‘Criminal proceeding’ means any proceeding which constitutes a part
16 of a criminal action or occurs in court in connection with a prospective,
17 pending or completed criminal action.

18 “(8) ‘District attorney,’ in addition to its ordinary meaning, includes a
19 city attorney as prosecuting officer in the case of municipal ordinance of-
20 fenses, a county counsel as prosecuting officer under a county charter in the
21 case of county ordinance offenses, and the Attorney General in those crimi-
22 nal actions or proceedings within the jurisdiction of the Attorney General.

23 “(9) ‘District attorney’s information’ means a written accusation by a
24 district attorney and:

25 “(a) If filed with a magistrate to charge a person with the commission of
26 an offense, other than an offense punishable as a felony, serves both to
27 commence an action and as a basis for prosecution thereof; or

28 “(b) If filed with a magistrate to charge a person with the commission of
29 an offense punishable as a felony, serves to commence an action, but not as
30 a basis for prosecution thereof; or

1 “(c) If, as is otherwise authorized by law, filed in circuit court to charge
2 a person with the commission of an offense, serves as a basis for prosecution
3 thereof.

4 “(10) ‘Information’ means a district attorney’s information or a
5 complainant’s information.

6 “(11) ‘Probable cause’ means that there is a substantial objective basis for
7 believing that more likely than not an offense has been committed and a
8 person to be arrested has committed it.

9 “(12) ‘Trial court’ means a court which by law has jurisdiction over an
10 offense charged in an accusatory instrument and has authority to accept a
11 plea thereto, or try, hear or otherwise dispose of a criminal action based on
12 the accusatory instrument.

13 “(13) ‘Ultimate trial jurisdiction’ means the jurisdiction of a court over
14 a criminal action or proceeding at the highest trial level.

15 “(14) ‘Warrant of arrest’ means a process of a court, directing a peace
16 officer to arrest a defendant and to bring the defendant before the court for
17 the purpose of arraignment upon an accusatory instrument filed therewith
18 by which a criminal action against the defendant has been commenced.

19 **“SECTION 20.** ORS 161.373 is amended to read:

20 “161.373. (1) Unless otherwise prohibited by law or for good cause, all
21 public bodies, as defined in ORS 174.109, and any private medical provider
22 in possession of records concerning the defendant, shall, within five business
23 days of receipt of the order, comply with a court order for the release of
24 records to the state mental hospital, **a secured forensic restoration center**
25 **established under section 14 of this 2025 Act** or other facility designated
26 by the Oregon Health Authority for the purpose of conducting an examina-
27 tion or evaluation under ORS 161.355 to 161.371.

28 “(2) Notwithstanding subsection (1) of this section, the Oregon Youth
29 Authority, the Department of Corrections, a community college district, a
30 community college service district, a public university, a school district or

1 an education service district may, after notifying the state hospital, a se-
2 **cured forensic restoration center established under section 14 of this**
3 **2025 Act** or other facility designated by the Oregon Health Authority, com-
4 ply with the court order within 15 business days of receipt of the order
5 without good cause.

6 “(3) As used in this section, in the case of a community college district,
7 a community college service district, a public university, a school district
8 or an education service district, ‘business day’ does not include any day on
9 which the central administration offices of the district or university are
10 closed.

11 **“SECTION 21.** ORS 161.375 is amended to read:

12 “161.375. (1) When a patient, who has been placed at a state hospital for
13 evaluation, care, custody and treatment under ORS 161.315 to 161.351 or by
14 court order under ORS 161.315, 161.365 or 161.370, has escaped or is absent
15 without authorization from the hospital or from the custody of any person
16 in whose charge the superintendent has placed the patient, the superinten-
17 dent may order the arrest and detention of the patient.

18 “(2) When a patient, who has been placed at a secure intensive community
19 inpatient facility **or a secured forensic restoration center established**
20 **under section 14 of this 2025 Act** for evaluation, care, custody and treat-
21 ment under ORS 161.315 to 161.351 or by court order under ORS 161.315,
22 161.365, 161.370 or 419C.527, has escaped or is absent without authorization
23 from the facility or from the custody of any person in whose charge the di-
24 rector of the facility has placed the patient, the director of the facility shall
25 notify the Director of the Oregon Health Authority. The Director of the
26 Oregon Health Authority may order the arrest and detention of the patient.

27 “(3) The superintendent or the Director of the Oregon Health Authority
28 may issue an order under this section based upon a reasonable belief that
29 grounds exist for issuing the order. When reasonable, the superintendent or
30 the Director of the Oregon Health Authority shall investigate to ascertain

1 whether such grounds exist.

2 “(4) Any order issued by the superintendent or the Director of the Oregon
3 Health Authority as authorized by this section constitutes full authority for
4 the arrest and detention of the patient and all laws applicable to warrant
5 or arrest apply to the order. An order issued by the superintendent or the
6 Director of the Oregon Health Authority under this section expires 72 hours
7 after being signed by the superintendent or the Director of the Oregon
8 Health Authority.

9 “(5) As used in this section, ‘superintendent’ means the superintendent
10 of the state hospital to which the person was committed or the
11 superintendent’s authorized representative.

12 **“SECTION 22.** ORS 161.390 is amended to read:

13 “161.390. (1) The Oregon Health Authority shall adopt rules for the as-
14 signment of persons to state mental hospitals, **secured forensic restoration**
15 **centers established under section 14 of this 2025 Act** or secure intensive
16 community inpatient facilities after commitment **or placement** under ORS
17 161.365 and 161.370 and for establishing standards for evaluation and treat-
18 ment of persons committed to a state hospital or a secure intensive commu-
19 nity inpatient facility or ordered to a community mental health program
20 under ORS 161.315 to 161.351.

21 “(2) When the Psychiatric Security Review Board requires the preparation
22 of a predischarge or preconditional release plan before a hearing or as a
23 condition of granting discharge or conditional release for a person committed
24 under ORS 161.315 to 161.351 to a state hospital or a secure intensive com-
25 munity inpatient facility for custody, care and treatment, the authority is
26 responsible for and shall prepare the plan.

27 “(3) In carrying out a conditional release plan prepared under subsection
28 (2) of this section, the authority may contract with a community mental
29 health program, other public agency or private corporation or an individual
30 to provide supervision and treatment for the conditionally released person.

1 “(4)(a) The board shall maintain and keep current the medical, social and
2 criminal history of all persons committed to its jurisdiction. The
3 confidentiality of records maintained by the board shall be determined pur-
4 suant to ORS 192.338, 192.345, 192.355 and 192.398.

5 “(b) Except as otherwise provided by law, upon request of the board, a
6 state hospital, a community mental health program and any other health
7 care service provider shall provide the board with all medical records per-
8 taining to a person committed to the jurisdiction of the board.

9 “(5) The evidentiary phase of a hearing conducted by the board under
10 ORS 161.315 to 161.351 is not a deliberation for purposes of ORS 192.690.

11 **“SECTION 23.** ORS 162.135 is amended to read:

12 “162.135. As used in ORS 162.135 to 162.205, unless the context requires
13 otherwise:

14 “(1)(a) ‘Contraband’ means:

15 “(A) Controlled substances as defined in ORS 475.005;

16 “(B) Drug paraphernalia as defined in ORS 475.525;

17 “(C) Except as otherwise provided in paragraph (b) of this subsection,
18 currency possessed by or in the control of an adult in custody confined in
19 a correctional facility; or

20 “(D) Any article or thing which a person confined in a correctional fa-
21 cility, youth correction facility or state hospital is prohibited by statute, rule
22 or order from obtaining or possessing, and whose use would endanger the
23 safety or security of such institution or any person therein.

24 “(b) ‘Contraband’ does not include authorized currency possessed by an
25 adult in custody in a work release facility.

26 “(2) ‘Correctional facility’ means any place used for the confinement of
27 persons charged with or convicted of a crime or otherwise confined under a
28 court order and includes but is not limited to a youth correction facility.
29 ‘Correctional facility’ applies to a state hospital, **a secured forensic res-**
30 **toration center established under section 14 of this 2025 Act** or a secure

intensive community inpatient facility only as to persons detained therein charged with or convicted of a crime, or detained therein after having been found guilty except for insanity of a crime under ORS 161.290 to 161.373.

“(3) ‘Currency’ means paper money and coins that are within the correctional institution.

“(4) ‘Custody’ means the imposition of actual or constructive restraint by a peace officer pursuant to an arrest or court order, but does not include detention in a correctional facility, youth correction facility or a state hospital.

“(5) ‘Escape’ means the unlawful departure of a person from custody or a correctional facility. ‘Escape’ includes the unauthorized departure or absence from this state or failure to return to this state by a person who is under the jurisdiction of the Psychiatric Security Review Board under ORS 161.315 to 161.351. ‘Escape’ does not include failure to comply with provisions of a conditional release in ORS 135.245.

“(6) ‘Youth correction facility’ means:

“(a) A youth correction facility as defined in ORS 420.005; and

“(b) A detention facility as defined in ORS 419A.004.

“(7) ‘State hospital’ means the Oregon State Hospital and any other hospital established by law for similar purposes.

“(8) ‘Unauthorized departure’ means the unauthorized departure of a person confined by court order in a youth correction facility or a state hospital that, because of the nature of the court order, is not a correctional facility as defined in this section, or the failure to return to custody after any form of temporary release or transitional leave from a correctional facility.

“SECTION 24. ORS 341.522 is amended to read:

“341.522. (1) The Office of Student Access and Completion shall administer the Oregon Promise program as provided by this section.

“(2) Subject to subsections (7) to (10) of this section, the office shall provide a grant for community college courses to a person who meets the cri-

1 teria described in subsections (3) to (6) of this section. The grant shall be
2 limited as provided by subsections (7) to (10) of this section.

3 “(3) A grant shall be awarded under this section to a person who meets
4 the following criteria:

5 “(a) Is enrolled in courses that are:

6 “(A) Offered at a community college in this state; and

7 “(B) Determined by the office, in accordance with rules adopted by the
8 Higher Education Coordinating Commission, to be required for completion
9 of:

10 “(i) A one-year curriculum for students who plan to transfer to another
11 post-secondary institution of education;

12 “(ii) An associate degree; or

13 “(iii) A program in career and technical education;

14 “(b) Except as provided in subsection (5) of this section, has been a resi-
15 dent of this state for at least 12 months prior to enrolling in the courses
16 described in paragraph (a) of this subsection;

17 “(c) Attained the person’s highest level of education, except as provided
18 in subsection (5) of this section, in this state prior to:

19 “(A) Receiving a diploma under ORS 329.451;

20 “(B) Receiving a certificate for passing an approved high school equiv-
21 alency test such as the General Educational Development (GED) test as
22 provided by ORS 350.175;

23 “(C) Completing grade 12 in compliance with the requirements of ORS
24 339.035; or

25 “(D) Completing grade 12 at a private or parochial school, as described
26 in ORS 339.030 (1)(a);

27 “(d) Except as provided in subsections (4) and (5) of this section, attained
28 the person’s highest level of education as described in paragraph (c) of this
29 subsection within six months from the date that the person first enrolls in
30 courses described in paragraph (a) of this subsection for the purpose of re-

ceiving a grant under this section;

“(e) Earned a cumulative grade point average of 2.0 or better in high school or otherwise demonstrated an equivalent academic ability, as determined by the office according to rules adopted by the commission;

“(f) Completed and submitted the Free Application for Federal Student Aid for each academic year and accepted all state and federal aid grants available to the person, if eligible to file the application; and

“(g) Has not completed either of the following:

“(A) More than a total of 90 credit hours, or the equivalent, at a post-secondary institution of education; or

“(B) A curriculum, degree or program, as described in paragraph (a)(B) of this subsection.

“(4)(a) If a person otherwise meets the required criteria and has been awarded a grant under subsection (3) of this section, but the person enters into service with a career and technical student organization relating to agriculture or farming that is approved by the Department of Education under ORS 344.077 within six months after the person attained the person’s highest level of education as described in subsection (3)(c) of this section, the person will continue to be eligible to receive the grant if the person first enrolls in courses described in subsection (3)(a) of this section within six months of finishing the person’s service with the career and technical student organization.

“(b) In addition to the situation described in paragraph (a) of this subsection, the commission may waive the requirement set forth in subsection (3)(d) of this section for a person who shows that the person was unable to timely enroll in courses described in subsection (3)(a) of this section due to a significant hardship. The commission may adopt rules to implement this paragraph.

“(5)(a) A member of the Oregon National Guard who has completed initial active duty training is not required to comply with the criteria set forth in

1 subsection (3)(d) of this section in order to receive a grant, provided that the
2 member first enrolls in courses described in subsection (3)(a) of this section
3 within six months after completing initial active duty training, as evidenced
4 by an official form issued by the United States Department of Defense.

5 “(b)(A) A person who completes the highest level of education as de-
6 scribed in subsection (3)(c) of this section while confined in a correctional
7 facility, either serving a sentence of incarceration or as a young person,
8 youth or adjudicated youth, is not required to comply with the criteria set
9 forth in subsection (3)(d) of this section in order to receive a grant, provided
10 that the person first enrolls in courses described in subsection (3)(a) of this
11 section within six months after the date on which the person is first released
12 from a correctional facility following completion of the highest level of ed-
13 ucation described in subsection (3)(c) of this section.

14 “(B) The eligibility requirements described in subsection (6)(a)(C) of this
15 section may be waived by the office according to rules adopted by the com-
16 mission for a person who receives a grant under this section in the manner
17 described in subparagraph (A) of this paragraph.

18 “(C) As used in this paragraph:

19 “(i) ‘Adjudicated youth,’ ‘detention facility,’ ‘young person’ and ‘youth’
20 have the meanings given those terms in ORS 419A.004.

21 “(ii) ‘Correctional facility’ means any place used for the confinement of
22 young persons, youths or adjudicated youths or persons charged with or
23 convicted of a crime or otherwise confined under a court order, including

24 a:

25 “(I) Youth correction facility;

26 “(II) Detention facility;

27 “(III) Department of Corrections institution;

28 “(IV) Local correctional facility; or

29 “(V) State hospital, **a secured forensic restoration center established**
30 **under section 14 of this 2025 Act** or a secure intensive community inpa-

1 tient facility, with respect to persons detained therein who are youths or
2 adjudicated youths, who are charged with or convicted of a crime or who are
3 detained therein after having been found guilty except for insanity of a crime
4 under ORS 161.290 to 161.373 or having been found responsible except for
5 insanity under ORS 419C.411.

6 “(iii) ‘Department of Corrections institution’ has the meaning given that
7 term in ORS 421.005.

8 “(iv) ‘Local correctional facility’ has the meaning given that term in ORS
9 169.005.

10 “(v) ‘Youth correction facility’ has the meaning given that term in ORS
11 420.005.

12 “(c)(A) If a person was a foster child:

13 “(i) The person shall be treated as meeting the residency criteria for el-
14 igibility under subsection (3)(b) of this section if, but for the person’s place-
15 ment in out-of-state foster care, the person otherwise meets the requirements
16 of subsection (3)(b) of this section.

17 “(ii) The person shall be treated as attaining the person’s highest level
18 of education in this state under subsection (3)(c) of this section if the person
19 attained the person’s highest level of education while placed in out-of-state
20 foster care and the person’s highest level of education substantially meets
21 the requirements under subsection (3)(c) of this section.

22 “(iii) The person is not required to comply with the criteria set forth in
23 subsection (3)(d) of this section in order to receive a grant provided that the
24 person completes the highest level of education as described in subparagraph
25 (A)(ii) of this paragraph while in a treatment program and the person first
26 enrolls in courses described in subsection (3)(a) of this section within 12
27 months after the date on which the person is released from the treatment
28 program.

29 “(B) Upon request from the commission, the Department of Human Ser-
30 vices shall provide documentation of the placement status of a person de-

1 scribed in paragraph (c)(A) of this subsection.

2 “(C) As used in this paragraph:

3 “(i) ‘Foster care’ means substitute care for children placed by the De-
4 partment of Human Services or a tribal child welfare agency away from the
5 child’s parents and for whom the department or agency has placement and
6 care responsibility, including placements in foster family homes, foster homes
7 of relatives, group homes, emergency shelters, residential facilities, child
8 care institutions and preadoptive homes.

9 “(ii) ‘Foster child’ means a child over whom the Department of Human
10 Services retained jurisdiction under ORS 417.200 for the duration of the
11 child’s placement in foster care outside the State of Oregon.

12 “(6)(a) A person continues to remain eligible to receive a grant under this
13 section if the person, in addition to satisfying the criteria specified in sub-
14 section (3) of this section, meets the following criteria:

15 “(A) Maintains at least the minimum cumulative grade point average
16 prescribed by the commission based on federal aid grant requirements;

17 “(B) Makes satisfactory academic progress toward a curriculum, degree
18 or program, as described in subsection (3)(a)(B) of this section, as prescribed
19 by the commission based on federal aid grant requirements; and

20 “(C) Enrolls in courses described in subsection (3)(a) of this section for
21 a sufficient number of credit hours to be considered at least a half-time
22 student each term for at least three terms in each consecutive academic year.

23 “(b) A person who fails to meet an eligibility requirement described in
24 paragraph (a) of this subsection becomes ineligible to receive a grant under
25 this section for the term after which the person fails to meet the eligibility
26 requirement, unless the eligibility requirement is waived by the office ac-
27 cording to rules adopted by the commission.

28 “(7)(a) The total amount of a grant awarded under this section shall be
29 based on each term that a person is enrolled in courses described in sub-
30 section (3)(a) of this section. Except as provided in subsections (9) and (10)

1 of this section, after the amount of tuition for the person for the term is
2 reduced by any amounts received by the person in state and federal aid
3 grants, the person shall be eligible for a grant under this section in an
4 amount that equals:

5 “(A) Except as provided by paragraph (b) of this subsection, not less than
6 the greater of:

7 “(i) \$2,000, adjusted for inflation based on the increase of the average cost
8 of tuition at a community college operated under this chapter in a manner
9 determined by the commission by rule; and

10 “(ii) The person’s actual cost for tuition.

11 “(B) Not more than the lesser of:

12 “(i) The average cost of tuition at a community college in this state, as
13 determined by the office; and

14 “(ii) The person’s actual cost for tuition.

15 “(b)(A) If the office determines both that the person’s actual cost for tui-
16 tion exceeds the amount set forth in paragraph (a)(A)(i) of this subsection
17 and that the person’s actual cost for tuition exceeds the average cost of tu-
18 ition at a community college in this state, the person shall be eligible for a
19 grant in an amount that equals the average cost of tuition at a community
20 college in this state.

21 “(B) If the office determines that the person’s actual cost for tuition is
22 less than the amount set forth in paragraph (a)(A)(i) of this subsection, the
23 person shall be eligible for a grant in an amount that equals the amount set
24 forth in paragraph (a)(A)(i) of this subsection.

25 “(c) The minimum amount of a grant, as calculated under paragraphs (a)
26 and (b) of this subsection, may be prorated for a person who is enrolled in
27 courses described in subsection (3)(a) of this section for a sufficient number
28 of credit hours to be considered at least a half-time student but not a full-
29 time student.

30 “(d) The commission may prescribe by rule whether to include fees, and

1 any limitations related to the inclusion of fees, when determining the actual
2 cost of tuition or the average cost of tuition under this subsection.

3 “(8) The commission may adopt by rule the priority by which grants are
4 awarded, which may allow for preference to be given to persons enrolled in
5 school districts or high schools that meet specified criteria.

6 “(9) Prior to the start of the fall term of each academic year, the com-
7 mission shall determine whether there are sufficient moneys to award a
8 grant under this section to each person who meets the criteria described in
9 subsections (3) to (6) of this section. When making a determination under
10 this subsection, the commission may consider both projected resources and
11 statutory modifications that will take effect during the current biennium.
12 On the basis of this determination the commission may:

13 “(a) Limit eligibility to receive a grant under this section to a person
14 whose financial resources, as determined by the commission by rule, are at
15 or below the level the commission determines is necessary to allow the
16 commission to operate the Oregon Promise program with available moneys;
17 or

18 “(b) Reduce or eliminate any limitation on eligibility previously imposed
19 by the commission under paragraph (a) of this subsection.

20 “(10)(a) If at any time the commission determines that there are insuffi-
21 cient moneys to provide a grant to each person who has been awarded a
22 grant under this section, the commission may decrease the total amount of
23 the grant awarded.

24 “(b) If at any time the commission determines that the amount of moneys
25 available to operate the Oregon Promise program exceeds the amount deter-
26 mined under subsection (9) of this section, the commission may reduce or
27 eliminate any limitation on eligibility to receive a grant under this section
28 that was previously imposed by the commission under subsection (9)(a) of
29 this section.

30 “(c) The commission shall promptly notify the interim committees of the

Legislative Assembly responsible for higher education each time the commission takes any action under paragraph (a) or (b) of this subsection.

“(11) The commission shall adopt any rules necessary for the administration of this section, including any requirements related to:

“(a) Specifying the form and timelines for submitting an application for a grant under this section;

“(b) Determining whether a person is eligible for a grant under this section, including whether the person shall be given priority as allowed under subsection (8) of this section;

“(c) Implementing programs or policies that improve the academic success or completion rates for persons who receive a grant under this section;

“(d) Prescribing eligibility requirements and grant calculations for persons dually enrolled in a community college and a public university; and

“(e) Evaluating the impact of the program established under this section, including any requirements for reporting data needed for evaluations.

“(12) No later than December 31 of each even-numbered year, the commission shall submit to an interim legislative committee related to education a report that summarizes the commission’s findings on the impact of the program established under this section. The report shall include:

“(a) Student completion rates of curricula, degrees and programs described in subsection (3)(a)(B) of this section;

“(b) The amount of federal aid grants received by persons who received a grant under this section;

“(c) The financial impact of the program on school districts that had students receive a grant under this section;

“(d) The financial impact and the enrollment impact of the program on community colleges and public universities in this state; and

“(e) The overall success rate of the program and financial impact of the program.

SECTION 25. ORS 421.107 is amended to read:

1 “421.107. (1) As used in this section:

2 “(a) ‘Adjudicated youth’ has the meaning given that term in ORS
3 419A.004.

4 “(b) ‘Correctional facility’:

5 “(A) Means any place used for the confinement of adjudicated youths,
6 detained juveniles, persons charged with or convicted of a crime or persons
7 otherwise confined under a court order.

8 “(B) Includes but is not limited to a youth correction facility and a ju-
9 venile detention facility.

10 “(C) Applies to a state hospital, **a secured forensic restoration center**
11 **established under section 14 of this 2025 Act** or a secure intensive com-
12 munity inpatient facility only as to persons detained therein charged with
13 or convicted of a crime, or detained therein after having been found guilty
14 except for insanity of a crime under ORS 161.290 to 161.373.

15 “(c) ‘Inmate’ means an adjudicated youth confined in a youth correction
16 facility, a juvenile detained in a juvenile detention facility, or any person
17 incarcerated or detained in a correctional facility who is accused of, con-
18 victed of or sentenced for a violation of criminal law or for the violation of
19 the terms and conditions of pretrial release, probation, parole, post-prison
20 supervision or a diversion program.

21 “(d) ‘Juvenile detention facility’ has the meaning given that term in ORS
22 169.005.

23 “(e) ‘Youth correction facility’ has the meaning given that term in ORS
24 420.005.

25 “(2) An official of a correctional facility may not use a dog to extract an
26 inmate from a cell.

27 “(3) Nothing in this section prohibits:

28 “(a) The use of a dog in a correctional facility for the purposes of track-
29 ing the location of an inmate or detecting contraband as defined in ORS
30 162.135.

1 “(b) The use of a dog in a correctional facility to quell a disturbance,
2 prevent an inmate escape or address an immediate health or safety risk to
3 inmates or staff members.

4 “(c) The use of dogs in a correctional facility as part of an inmate dog
5 training program or for purposes relating to the rehabilitation, treatment,
6 vocational education and skill-building of inmates.

7 **“SECTION 26.** ORS 430.230 is amended to read:

8 “430.230. As used in ORS 430.230 to 430.236:

9 “(1) ‘Comprehensive community supports and services’ includes:

10 “(a) Community-based mental health or substance use disorder treatment
11 programs;

12 “[*(b) Community restoration services as defined in ORS 161.355;*]

13 “[*(c)*] **(b)** Evidence-based and tribal-based programs designed to reduce
14 hospital and jail utilization by target populations; [*and*]

15 “[*(d)*] **(c)** Programs aimed at diverting individuals with nonperson crimi-
16 nal charges experiencing mental illness or substance use disorders from the
17 criminal justice system[.]; **and**

18 **“(d) Treatment services as defined in ORS 161.355.**

19 “(2) ‘County’ includes a single county or a regional consortium of coun-
20 ties.

21
22 **“MISCELLANEOUS**
23

24 **“SECTION 27.** The unit captions used in this 2025 Act are provided
25 only for the convenience of the reader and do not become part of the
26 statutory law of this state or express any legislative intent in the
27 enactment of this 2025 Act.

28 **“SECTION 28.** (1) Section 16 of this 2025 Act becomes operative on
29 January 1, 2026.

30 **“(2) The Governor, the Chief Justice of the Supreme Court and the**

1 **Judicial Department may take any action before the operative date**
2 **specified in subsection (1) of this section that is necessary to enable**
3 **the Governor, the Chief Justice or the department to exercise, on or**
4 **after the operative date specified in subsection (1) of this section, all**
5 **of the duties, functions and powers conferred on the Governor, the**
6 **Chief Justice or the department by section 16 of this 2025 Act.**

7 **“SECTION 29. This 2025 Act being necessary for the immediate**
8 **preservation of the public peace, health and safety, an emergency is**
9 **declared to exist, and this 2025 Act takes effect on passage.”.**

10
