

HB 2481-7  
(LC 2836)  
5/5/25 (LAS/ps)

Requested by JOINT COMMITTEE ON ADDICTION AND COMMUNITY SAFETY RESPONSE

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2481**

1 In line 2 of the printed bill, after “health” insert “; creating new pro-  
2 visions; amending ORS 135.748, 136.295, 426.005, 426.070, 426.075, 426.095,  
3 426.100, 426.130, 426.155, 426.160, 426.228, 426.232, 426.235, 426.236, 426.241,  
4 426.292, 426.335 and 430.197; and declaring an emergency”.

5 Delete lines 4 through 8 and insert:  
6

7 **“PREHEARING DETENTION AND COMMITMENT OF DEFENDANTS**  
8 **IN CUSTODY**  
9

10 **“SECTION 1. Section 2 of this 2025 Act is added to and made a part**  
11 **of ORS 426.070 to 426.170.**

12 **“SECTION 2. (1) As used in this section, ‘criminal court’ means the**  
13 **court having jurisdiction over a criminal case for which a defendant**  
14 **is held in custody at the time a warrant of detention of the defendant**  
15 **is issued under ORS 426.070 (5)(b).**

16 **“(2) When a person subject to a warrant of detention issued under**  
17 **ORS 426.070 (5)(b) is a defendant who is held in custody in a jail at the**  
18 **time the warrant of detention is issued:**

19 **“(a) The defendant may not be taken into custody under the war-**  
20 **rant of detention before the defendant makes a first appearance in the**  
21 **criminal case for which the defendant is being held;**

1       **“(b) Unless otherwise ordered by the criminal court, the defendant**  
2 **may be transported as provided in the warrant of detention; and**

3       **“(c) For purposes of ORS 426.070 to 426.170, the defendant’s pre-**  
4 **hearing period of detention is commenced when the defendant is re-**  
5 **leased from the jail for transportation pursuant to the warrant of**  
6 **detention under ORS 426.070 or a magistrate’s order for emergency**  
7 **treatment under section 9 of this 2025 Act.**

8       **“(3) Unless otherwise ordered by the criminal court:**

9       **“(a) A defendant who is transported for treatment as provided in**  
10 **this section may be treated only in a hospital, including when receiv-**  
11 **ing intensive treatment under ORS 426.237 (1)(b) or participating in**  
12 **treatment on a voluntary basis as provided in ORS 426.130 (1)(a)(A).**

13       **“(b) The defendant shall be transported back to the facility in which**  
14 **the defendant was held at the time the warrant of detention was issued**  
15 **if:**

16       **“(A) The community mental health program director recommends,**  
17 **in an investigation report as provided in ORS 426.074, that the circuit**  
18 **court not proceed further in the matter because the community men-**  
19 **tal health program director does not believe the person is a person**  
20 **with mental illness;**

21       **“(B) The court issuing the warrant of detention determines that the**  
22 **defendant is not a person with mental illness;**

23       **“(C) The defendant’s treating licensed independent practitioner de-**  
24 **termines that the defendant no longer requires hospitalization;**

25       **“(D) The defendant is determined to no longer be a person with**  
26 **mental illness as provided in ORS 426.292; or**

27       **“(E) The defendant’s period of commitment has ended and has not**  
28 **been continued under ORS 426.301 or 426.307.**

29       **“(c) Notwithstanding ORS 426.130 (1)(a), the defendant is not eligible**  
30 **for conditional release or outpatient treatment.**

1       “(4) The court issuing the warrant of detention or ordering com-  
2       mitment shall notify the criminal court and any other court with a  
3       pending criminal case against the defendant when:

4       “(a) A warrant of detention of the defendant is issued;

5       “(b) The defendant is committed;

6       “(c) The commitment case is dismissed; or

7       “(d) The defendant is returned to the custody of the facility from  
8       which the defendant was originally transported, or transported to any  
9       other facility pursuant to an order of the criminal court.

10       “(5) Nothing in subsection (2) or (3) of this section prohibits a fa-  
11       cility in which a defendant is being held from obtaining emergency  
12       treatment for the defendant.

13       “**SECTION 3.** ORS 426.070 is amended to read:

14       “426.070. (1) Any of the following may initiate commitment procedures  
15       under this section by giving the notice described under subsection (2) of this  
16       section:

17       “(a) Two persons;

18       “(b) The local health officer; or

19       “(c) Any magistrate **mentioned in ORS 133.030** or a judge of a court of  
20       a federally recognized Indian tribe located in this state.

21       “(2) For purposes of subsection (1) of this section, the notice must comply  
22       with the following:

23       “(a) It must be in writing under oath;

24       “(b) It must be given to the community mental health program director  
25       or a designee of the director in the county where the person alleged to have  
26       a mental illness resides;

27       “(c) It must state that a person within the county other than the person  
28       giving the notice is a person with mental illness and is in need of treatment,  
29       care or custody;

30       “(d) If the commitment proceeding is initiated by two persons under sub-

1 section (1)(a) of this section, it may include a request that the court notify  
2 the two persons:

3 “(A) Of the issuance or nonissuance of a warrant under this section; or

4 “(B) Of the court’s determination under ORS 426.130 (1); and

5 “(e) If the notice contains a request under paragraph (d) of this sub-  
6 section, it must also include the addresses of the two persons making the  
7 request.

8 “(3) Upon receipt of a notice under subsections (1) and (2) of this section  
9 or when notified by a circuit court that the court received notice under ORS  
10 426.234, the community mental health program director, or designee of the  
11 director, shall:

12 “(a) Immediately notify the judge of the court having jurisdiction for that  
13 county under ORS 426.060 of the notification described in subsections (1) and  
14 (2) of this section.

15 “(b) Immediately notify the Oregon Health Authority if commitment is  
16 proposed because the person appears to be a person with mental illness, as  
17 defined in ORS 426.005 (1)(f)(C). When such notice is received, the authority  
18 may verify, to the extent known by the authority, whether or not the person  
19 meets the criteria described in ORS 426.005 (1)(f)(C)(i) and (ii) and so inform  
20 the community mental health program director or designee of the director.

21 “(c) Initiate an investigation under ORS 426.074 to determine whether  
22 there is probable cause to believe that the person is in fact a person with  
23 mental illness.

24 “(4) Upon completion, a recommendation based upon the investigation  
25 report under ORS 426.074 shall be promptly submitted to the court. If the  
26 community mental health program director determines that probable cause  
27 does not exist to believe that a person released from detention under ORS  
28 426.234 (2)(c) or (3)(b) is a person with mental illness, the community mental  
29 health program director may recommend assisted outpatient treatment in  
30 accordance with ORS 426.133.

1 “(5) When the court receives notice under subsection (3) of this section:

2 “(a) If the court, following the investigation, concludes that there is  
3 probable cause to believe that the person investigated is a person with  
4 mental illness, it shall, through the issuance of a citation as provided in ORS  
5 426.090, cause the person to be brought before it at a time and place as it  
6 may direct, for a hearing under ORS 426.095 to determine whether the person  
7 is a person with mental illness. The person shall be given the opportunity  
8 to appear voluntarily at the hearing unless the person fails to appear or  
9 unless the person is detained pursuant to paragraph (b) of this subsection.

10 “(b)(A) If the court finds that there is probable cause to believe that  
11 failure to take the person into custody pending the investigation or hearing  
12 would pose serious harm or danger to the person or to others, the court may  
13 issue a warrant of detention to the community mental health program di-  
14 rector or designee or the sheriff of the county or designee directing the di-  
15 rector, sheriff or a designee to take the person alleged to have a mental  
16 illness into custody and produce the person at the time and place stated in  
17 the warrant.

18 “(B) At the time the person is taken into custody, the person shall be  
19 informed by the community mental health program director, the sheriff or a  
20 designee of the following:

21 “(i) The person’s rights with regard to representation by or appointment  
22 of counsel as described in ORS 426.100;

23 “(ii) The warning under ORS 426.123; and

24 “(iii) The person’s right, if the community mental health program direc-  
25 tor, sheriff or designee reasonably suspects that the person is a foreign na-  
26 tional, to communicate with an official from the consulate of the person’s  
27 country. A community mental health program director, sheriff or designee is  
28 not civilly or criminally liable for failure to provide the information required  
29 by this sub-subparagraph. Failure to provide the information required by this  
30 sub-subparagraph does not in itself constitute grounds for the exclusion of

1 evidence that would otherwise be admissible in a proceeding.

2 “(C) The court may make any orders for the care and custody of the  
3 person prior to the hearing as it considers necessary.

4 “(c) If the notice includes a request under subsection (2)(d)(A) of this  
5 section, the court shall notify the two persons of the issuance or nonissuance  
6 of a warrant under this subsection.

7 **“SECTION 4.** ORS 426.130 is amended to read:

8 “426.130. (1) After hearing all of the evidence, and reviewing the findings  
9 of the examiners, the court shall determine whether the person has a mental  
10 illness and is in need of treatment. If, in the opinion of the court, the person:

11 “(a) Is a person with mental illness based upon clear and convincing ev-  
12 idence, the court:

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

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

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

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

21 “(C) May order commitment of the person with mental illness to the  
22 Oregon Health Authority for treatment if, in the opinion of the court, sub-  
23 paragraph (A) or (B) of this paragraph is not in the best interest of the  
24 person **or if the person is ineligible for conditional release under sec-**  
25 **tion 2 of this 2025 Act.** If the court orders commitment under this subpar-  
26 agraph:

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

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

30 “(D) Shall order that the person be prohibited from purchasing or pos-

1   sessing a firearm if, in the opinion of the court, there is a reasonable like-  
2   lihood the person would constitute a danger to self or others or to the  
3   community at large as a result of the person's mental or psychological state  
4   as demonstrated by past behavior or participation in incidents involving  
5   unlawful violence or threats of unlawful violence, or by reason of a single  
6   incident of extreme, violent, unlawful conduct. When a court makes an order  
7   under this subparagraph, the court shall cause a copy of the order to be de-  
8   livered to the sheriff of the county who will enter the information into the  
9   Law Enforcement Data System.

10       “(b) Is not a person with mental illness, the court shall release the person  
11   from custody if the person has been detained under ORS 426.070, 426.180,  
12   426.228, 426.232 or 426.233 **or section 9 of this 2025 Act** and:

13       “(A) Dismiss the case; or

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

18       “(2) A court that orders a conditional release, a commitment or assisted  
19   outpatient treatment under this section shall establish a period of commit-  
20   ment or treatment for the person subject to the order. Any period of com-  
21   mitment ordered for commitment or conditional release under this section  
22   shall be for a period of time not to exceed 180 days. A period of assisted  
23   outpatient treatment shall be for a period of time not to exceed 12 months.

24       “(3) If the commitment proceeding was initiated under ORS 426.070 (1)(a)  
25   and if the notice included a request under ORS 426.070 (2)(d)(B), the court  
26   shall notify the two persons of the court's determination under subsection  
27   (1) of this section.

28       “(4) If the court finds that the person is a person with mental illness and  
29   either orders commitment under subsection (1)(a)(B) or (C) of this section  
30   or enters an order under subsection (1)(a)(D) of this section, the court shall

1 notify the person that the person is prohibited from purchasing or possessing  
2 a firearm under state and federal law unless the person obtains relief from  
3 the prohibition from the Psychiatric Security Review Board under ORS  
4 166.273 or under federal law.

5 **“SECTION 5.** ORS 426.292 is amended to read:

6 **“426.292. Except as provided in section 2 of this 2025 Act,** nothing in  
7 this chapter and ORS 430.397 to 430.401 prohibits the Oregon Health Au-  
8 thority from releasing a person from a hospital or other facility in which the  
9 person is being treated prior to the expiration of the period of commitment  
10 under ORS 426.130 when, in the opinion of the director of the facility or the  
11 licensed independent practitioner who is treating the person, the person is  
12 no longer a person with mental illness.

13 **“SECTION 6.** ORS 135.748 is amended to read:

14 **“135.748. (1)** All applicable periods of elapsed time as follows are excluded  
15 from the time limits described in ORS 135.746:

16 **“(a)** A period of time during which the defendant is:

17 **“(A)** Under observation or examination for fitness to proceed under ORS  
18 161.365, beginning when the issue of the defendant’s possible lack of fitness  
19 to proceed has been raised by the defendant or the defendant’s counsel, until  
20 a final determination regarding the defendant’s fitness to proceed has been  
21 made by the court;

22 **“(B)** Determined to be unfit to proceed by the court pursuant to ORS  
23 161.360 and 161.370;

24 **“(C)** Under observation or examination after notice of the issue of the  
25 defendant’s qualifying mental disorder, partial responsibility, diminished ca-  
26 pacity, insanity or other mental defense is raised by the defendant or the  
27 defendant’s counsel, until the trial date; [or]

28 **“(D)** Unable to appear by reason of illness or physical disability[.]; **or**

29 **“(E) Subject to a warrant of detention issued under ORS 426.070 or**  
30 **commitment under ORS 426.130 or 426.307.**



1 “(b) A period of time following the filing of an interlocutory appeal or  
2 an appeal from the dismissal of the charge or charging instrument, or that  
3 results from a stay issued by an appellate court in a mandamus or habeas  
4 proceeding, until the appellate judgment is issued or the stay is lifted by the  
5 appellate court.

6 “(c) A period of time between a scheduled court appearance at which the  
7 defendant fails to appear and the next scheduled court appearance other than  
8 an appearance that occurs for the purpose of addressing a warrant resulting  
9 from the defendant’s failure to appear.

10 “(d) A period of time during which the defendant’s location is known but  
11 the defendant’s presence for trial cannot be obtained, or during which the  
12 defendant is outside this state and resists being returned to this state for  
13 trial.

14 “(e) A period of time during which the defendant’s location is unknown  
15 and:

16 “(A) The defendant has attempted to avoid apprehension or prosecution;  
17 or

18 “(B) The defendant’s location cannot be determined by due diligence.

19 “(f) A period of time while the defendant is on trial or engaged in court  
20 proceedings in an unrelated matter, whether in the same court or a different  
21 court, and was therefore physically unavailable for trial.

22 “(g) A period of time between a mistrial on the charging instrument and  
23 a subsequent trial on the charging instrument, not to exceed three months  
24 for each mistrial. The three-month limit may be extended by the court for  
25 good cause upon request from either party or upon the court’s own motion.

26 “(h) A period of time between a continuance or a rescheduling of a trial  
27 date, granted at the request of, or with the consent of, the defendant or the  
28 defendant’s counsel, and the new trial date. A defendant who is proceeding  
29 without counsel may not consent to a continuance or a rescheduling unless  
30 the court has advised the defendant of the defendant’s right to a speedy trial

1 within the time limit required in ORS 135.746 and the consequences of the  
2 defendant's consent to the continuance or rescheduling.

3 “(2) Any period of time excluded pursuant to subsection (1) of this section  
4 from the time limits described in ORS 135.746 that applies to a defendant  
5 shall apply to all other defendants charged in the charging instrument.  
6 However, if the court finds that it is clearly inappropriate to apply the time  
7 exclusion to all of the other defendants, the court may order any relief that  
8 justice requires.

9 **“SECTION 7.** ORS 136.295 is amended to read:

10 “136.295. (1) ORS 136.290 does not apply to persons charged with crimes  
11 that are not releasable offenses under ORS 135.240 or to persons charged  
12 with conspiracy to commit murder, or charged with attempted murder, or to  
13 prisoners serving sentences resulting from prior convictions.

14 “(2)(a) If the defendant is extradited from another jurisdiction, the 60-day  
15 period shall not commence until the defendant enters the State of Oregon,  
16 provided that law enforcement authorities from the other jurisdiction and  
17 this state have conducted the extradition with all practicable speed. The or-  
18 iginal 60-day period shall not be extended more than an additional 60 days,  
19 except where delay has been caused by the defendant in opposing the  
20 extradition.

21 “(b) For purposes of this subsection, an extradition is presumed to have  
22 been conducted with all practicable speed if it has been conducted within 90  
23 days after the date the defendant has been delivered to an agent of this state.

24 “(3) Any reasonable delay resulting from examination or hearing regard-  
25 ing the defendant's mental condition, **including a prehearing period of**  
26 **detention pursuant to a warrant of detention issued under ORS 426.070**  
27 **or period of commitment under ORS 426.130 or 426.307**, or competency  
28 to stand trial, or resulting from other motion or appeal by the defendant,  
29 shall not be included in the 60-day period.

30 “(4)(a) If a victim or witness to the crime in question is unable to testify

1 within the original 60-day period because of injuries received at the time the  
2 alleged crime was committed or upon a showing of good cause, the court may  
3 order an extension of custody and postponement of the date of the trial of  
4 not more than 60 additional days. The court, for the same reason, may order  
5 a second extension of custody and postponement of the date of the trial of  
6 not more than 60 days, but in no event shall the defendant be held in custody  
7 before trial for more than a total of 180 days. A court may grant an exten-  
8 sion based upon good cause as described in paragraph (b)(C), (D) or (E) of  
9 this subsection only if requested by the defendant or defense counsel or by  
10 the court on its own motion.

11 “(b) As used in this subsection, ‘good cause’ means situations in which:

12 “(A) The court failed to comply with ORS 136.145 and the victim is unable  
13 to attend the trial;

14 “(B) The victim or an essential witness for either the state or the defense  
15 is unable to testify at the trial because of circumstances beyond the control  
16 of the victim or witness;

17 “(C) The attorney for the defendant cannot reasonably be expected to try  
18 the case within the 60-day period;

19 “(D) The attorney for the defendant has recently been appointed and  
20 cannot be ready to try the case within the 60-day period;

21 “(E) The attorney for the defendant is unable to try the case within the  
22 60-day period because of conflicting schedules;

23 “(F) Scientific evidence is necessary and because of the complexity of the  
24 procedures it would be unreasonable to have the procedures completed  
25 within the 60-day period;

26 “(G) The defendant has filed notice under ORS 161.309 of the defendant’s  
27 intention to rely upon a defense of insanity, partial responsibility or dimin-  
28 ished capacity;

29 “(H) The defendant has filed any notice of an affirmative defense within  
30 the last 20 days of the 60-day period;

1 “(I) A claim under ORS 147.515, or a motion under ORS 147.522, relating  
2 to victims’ rights is pending, the court has considered the factors described  
3 in ORS 147.525 and the court has determined that the trial date should be  
4 rescheduled subject to the time limit provided in ORS 147.525; or

5 “(J) The defendant has received discovery of digital video evidence from  
6 a video camera worn upon a law enforcement officer’s person and, though  
7 discovery has occurred in a reasonably timely manner, editing of the digital  
8 video evidence is necessary.

9 “(5) Any period following defendant’s arrest in which the defendant is not  
10 actually in custody shall not be included in the 60-day computation.

11  
12 **“MAGISTRATE’S ORDER FOR EMERGENCY TREATMENT**

13  
14 **“SECTION 8. Section 9 of this 2025 Act is added to and made a part**  
15 **of ORS 426.228 to 426.235.**

16 **“SECTION 9. (1) A magistrate mentioned in ORS 133.030 may issue**  
17 **an order for emergency treatment as described in this section:**

18 **“(a) On the court’s own initiative;**

19 **“(b) Upon receiving notice under ORS 426.070; or**

20 **“(c) Upon receiving notice from a corrections officer or jail per-**  
21 **sonnel that a person held in a jail is believed to be a person with**  
22 **mental illness and the jail is unable to adequately provide medical care**  
23 **or otherwise safely manage the person’s alleged illness without sig-**  
24 **nificant risk of injury to staff or the person based on the person’s al-**  
25 **leged mental illness.**

26 **“(2)(a) When a magistrate mentioned in ORS 133.030 has probable**  
27 **cause to believe that a person is dangerous to self or to any other**  
28 **person and is in need of immediate care, custody or treatment for**  
29 **mental illness, the magistrate may issue an order for emergency**  
30 **treatment and direct a peace officer to take the person into custody**

1 and remove the person to a hospital or nonhospital facility approved  
2 by the Oregon Health Authority.

3 “(b) The magistrate shall include in the order:

4 “(A) The reason for custody;

5 “(B) The date, time and place the person was taken into custody;  
6 and

7 “(C) The name of the community mental health program director  
8 and a telephone number where the director may be reached at all  
9 times.

10 “(c) The peace officer shall deliver the order to the licensed inde-  
11 pendent practitioner who is treating the person described in this sub-  
12 section.

13 “(3)(a) As used in this subsection, ‘criminal court’ means the court  
14 having jurisdiction over a criminal case for which a defendant is held  
15 in custody at the time a magistrate issues an order for emergency  
16 treatment.

17 “(b) If the person who is subject to the order is a defendant who is  
18 held in custody in a jail at the time the order is issued:

19 “(A) The magistrate must also provide notice to the criminal court;  
20 and

21 “(B) Unless otherwise ordered by the criminal court:

22 “(i) The peace officer may take the defendant into custody for  
23 transportation consistent with the order for emergency treatment;

24 “(ii) Unless otherwise ordered by the criminal court, the magistrate  
25 shall direct the peace officer to deliver the defendant only to a hospital  
26 facility;

27 “(iii) Notwithstanding ORS 426.235, the defendant may not be  
28 transferred to a nonhospital facility without the consent of the crimi-  
29 nal court; and

30 “(iv) Notwithstanding ORS 426.228 and 426.234, the defendant must

1 be returned to the place where the defendant was taken into custody  
2 under the order for emergency treatment if, at any time prior to a  
3 hearing under ORS 426.070 to 426.130, the defendant is determined to  
4 not be in need of emergency care or treatment for mental illness.

5 “(4)(a) In addition to issuing the order under subsection (2) of this  
6 section, the magistrate may initiate commitment procedures under  
7 ORS 426.070 (1).

8 “(b) In lieu of or in addition to issuing an order under this section,  
9 if the magistrate is a judge of a circuit court in a county of this state  
10 the magistrate may issue a warrant of detention as provided in ORS  
11 426.070 (5) if:

12 “(A) A commitment proceeding has been commenced under ORS  
13 426.070; and

14 “(B) The magistrate finds that there is probable cause to believe  
15 that failure to take the person into custody pending an investigation  
16 under ORS 426.074 would pose serious harm or danger to the person  
17 or to others.

18 “**SECTION 10.** ORS 426.228 is amended to read:

19 “426.228. (1) A peace officer may take into custody a person who the of-  
20 ficer has probable cause to believe is dangerous to self or to any other person  
21 and is in need of immediate care, custody or treatment for mental illness.  
22 As directed by the community mental health program director, a peace offi-  
23 cer shall remove a person taken into custody under this section to the  
24 nearest hospital or nonhospital facility approved by the Oregon Health Au-  
25 thority. The officer shall prepare a written report and deliver it to the li-  
26 censed independent practitioner who is treating the person. The report shall  
27 state:

28 “(a) The reason for custody;

29 “(b) The date, time and place the person was taken into custody; and

30 “(c) The name of the community mental health program director and a

1 telephone number where the director may be reached at all times.

2 “(2) A peace officer shall take a person into custody when the community  
3 mental health program director, pursuant to ORS 426.233, notifies the peace  
4 officer that the director has probable cause to believe that the person is  
5 imminently dangerous to self or to any other person. As directed by the  
6 community mental health program director, the peace officer shall remove  
7 the person to a hospital or nonhospital facility approved by the authority.  
8 The community mental health program director shall prepare a written re-  
9 port that the peace officer shall deliver to the licensed independent practi-  
10 tioner who is treating the person. The report shall state:

11 “(a) The reason for custody;

12 “(b) The date, time and place the person was taken into custody; and

13 “(c) The name of the community mental health program director and a  
14 telephone number where the director may be reached at all times.

15 **“(3) A peace officer shall take a person into custody pursuant to an**  
16 **order for emergency treatment under section 9 of this 2025 Act. As**  
17 **directed in the order, the peace officer shall remove the person to a**  
18 **hospital or nonhospital facility approved by the authority. The peace**  
19 **officer shall deliver a copy of the order to the licensed independent**  
20 **practitioner who is treating the person.**

21 “[3)] (4) If more than one hour will be required to transport the person  
22 to the hospital or nonhospital facility from the location where the person  
23 was taken into custody, the peace officer shall obtain, if possible, a certif-  
24 icate from a licensed independent practitioner stating that the travel will  
25 not be detrimental to the person’s physical health and that the person is  
26 dangerous to self or to any other person and is in need of immediate care  
27 or treatment for mental illness. The licensed independent practitioner shall  
28 have personally examined the person within 24 hours prior to signing the  
29 certificate.

30 “[4)] (5) When a peace officer or other authorized individual, acting un-

der this section, delivers a person to a hospital or nonhospital facility, a licensed independent practitioner shall examine the person immediately. If the licensed independent practitioner finds the person to be in need of emergency care or treatment for mental illness, the licensed independent practitioner shall proceed under ORS 426.232, otherwise the person may not be retained in custody. If the person is to be released from custody, the peace officer or the community mental health program director shall return the person to the place where the person was taken into custody unless the person declines that service.

“(5) (6) A peace officer may transfer a person in custody under this section to the custody of an individual authorized by the community mental health program director under ORS 426.233 (3). The peace officer may meet the authorized individual at any location that is in accordance with ORS 426.140 to effect the transfer. When transferring a person in custody *[to an authorized individual]* **under this subsection**, the peace officer shall deliver **a copy of** the report *[required]* **described** under *[subsections (1) and (2)]* **subsection (1) or (2)** of this section **or, if applicable, the order for emergency treatment under subsection (3) of this section** to the authorized individual.

“(6) (7) An individual authorized under ORS 426.233 (3) shall take a person into custody when directed to do so by a peace officer or by a community mental health program director under ORS 426.233.

“(7) (8) An individual authorized under ORS 426.233 (3) shall perform the duties of the peace officer or the community mental health program director required by this section and ORS 426.233 if the peace officer or the director has not already done so.

“(8) (9) An individual authorized under ORS 426.233 (3) may transfer a person in custody under this section to the custody of another individual authorized under ORS 426.233 (3) or a peace officer. The individual transferring custody may meet another authorized individual or a peace officer



1 at any location that is in accordance with ORS 426.140 to effect the transfer.

2 “[~~(9)(a)~~] **(10)(a)** When a peace officer takes a person into custody under  
3 this section, and the peace officer reasonably suspects that the person is a  
4 foreign national, the peace officer shall inform the person of the person’s  
5 right to communicate with an official from the consulate of the person’s  
6 country.

7 “(b) A peace officer is not civilly or criminally liable for failure to pro-  
8 vide the information required by this subsection. Failure to provide the in-  
9 formation required by this subsection does not in itself constitute grounds  
10 for the exclusion of evidence that would otherwise be admissible in a pro-  
11 ceeding.

12 **“SECTION 11.** ORS 426.232 is amended to read:

13 “426.232. (1) If a licensed independent practitioner believes a person who  
14 is brought to a hospital or nonhospital facility by a peace officer under ORS  
15 426.228 or by an individual authorized under ORS 426.233, or believes a per-  
16 son who is at a hospital or nonhospital facility, is dangerous to self or to  
17 any other person and is in need of emergency care or treatment for mental  
18 illness, and the licensed independent practitioner is not related to the person  
19 by blood or marriage, the licensed independent practitioner may do one of  
20 the following:

21 “(a) Detain the person and cause the person to be admitted or, if the  
22 person is already admitted, cause the person to be retained in a hospital  
23 where the licensed independent practitioner has admitting privileges or is  
24 on staff.

25 “(b) Approve the person for emergency care or treatment at a nonhospital  
26 facility approved by the authority.

27 **“(2) Notwithstanding subsection (1)(b) of this section, if the person**  
28 **is a defendant described in section 9 (3) of this 2025 Act, the licensed**  
29 **independent practitioner may not approve the defendant for emer-**  
30 **gency care or treatment at a nonhospital facility without the consent**

1 **of the criminal court, as defined in section 9 (3) of this 2025 Act.**

2 “[2)] (3) When approving a person for emergency care or treatment at a  
3 nonhospital facility under this section, the licensed independent practitioner  
4 shall notify immediately the community mental health program director in  
5 the county where the person was taken into custody and maintain the per-  
6 son, if the person is being held at a hospital, for as long as is feasible given  
7 the needs of the person for mental or physical health or safety. However,  
8 under no circumstances may the person be held for longer than five judicial  
9 days.

10 **“SECTION 12.** ORS 426.236 is amended to read:

11 “426.236. The Oregon Health Authority shall adopt rules necessary to  
12 carry out the provisions of ORS 426.155 [and], 426.228 to **426.235, 426.237 and**  
13 **426.238.**

14  
15 **“CONFORMING AMENDMENTS**

16  
17 **“SECTION 13.** ORS 426.005 is amended to read:

18 “426.005. (1) As used in ORS 426.005 to 426.390, unless the context requires  
19 otherwise:

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

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

26 “(c) ‘Facility’ means a state mental hospital, community hospital, resi-  
27 dential facility, detoxification center, day treatment facility or such other  
28 facility as the authority determines suitable that provides diagnosis and  
29 evaluation, medical care, detoxification, social services or rehabilitation to  
30 persons who are in custody during a prehearing period of detention or who

1 have been committed to the Oregon Health Authority under ORS 426.130.

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

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

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

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

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

10 “(f) ‘Person with mental illness’ means a person who, because of a mental  
11 disorder, is one or more of the following:

12 “(A) Dangerous to self or others.

13 “(B) Unable to provide for basic personal needs that are necessary to  
14 avoid serious physical harm in the near future, and is not receiving such  
15 care as is necessary to avoid such harm.

16 “(C) A person:

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

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

21 “(iii) Who is exhibiting symptoms or behavior substantially similar to  
22 those that preceded and led to one or more of the hospitalizations or inpa-  
23 tient placements referred to in sub-subparagraph (ii) of this subparagraph;  
24 and

25 “(iv) Who, unless treated, will continue, to a reasonable medical proba-  
26 bility, to physically or mentally deteriorate so that the person will become  
27 a person described under either subparagraph (A) or (B) of this paragraph  
28 or both.

29 “(g) ‘Prehearing period of detention’ means a period of time calculated  
30 from the initiation of custody during which a person may be detained under

1   ORS 426.228, 426.231, 426.232 or 426.233 **or section 9 of this 2025 Act.**

2       “(2) Whenever a community mental health program director, director of  
3   the facility, superintendent of a state hospital or administrator of a facility  
4   is referred to, the reference includes any designee such person has designated  
5   to act on the person’s behalf in the exercise of duties.

6       **“SECTION 14.** ORS 426.075 is amended to read:

7       “426.075. This section establishes procedures that are required to be fol-  
8   lowed before the hearing if a court, under ORS 426.070, orders a hearing  
9   under ORS 426.095. The following apply as described:

10      “(1) The court shall be fully advised of all drugs and other treatment  
11   known to have been administered to the person alleged to have a mental  
12   illness that may substantially affect the ability of the person to prepare for  
13   or function effectively at the hearing. The following shall advise the court  
14   as required by this subsection:

15      “(a) When not otherwise provided by paragraph (b) of this subsection, the  
16   community mental health program director or designee.

17      “(b) When the person has been detained by a warrant of detention under  
18   ORS 426.070[,] **or under ORS** 426.180, 426.228, 426.232 or 426.233 **or section**  
19   **9 of this 2025 Act**, the treating licensed independent practitioner.

20      “(2) The court shall appoint examiners under ORS 426.110 sufficiently in  
21   advance of the hearing so that the examiners may begin their preparation  
22   for the hearing. The records established by the Oregon Health Authority by  
23   rule and the investigation report shall be made available to the examiners  
24   at least 24 hours before the hearing in order that the examiners may review  
25   the medical record and have an opportunity to inquire of the medical per-  
26   sonnel concerning the treatment of the person alleged to have a mental ill-  
27   ness during the detention period prior to the hearing.

28      “(3) The medical record described in subsection (2) of this section shall  
29   be made available to counsel for the person alleged to have a mental illness  
30   at least 24 hours prior to the hearing.

1 “(4) When requested by a party to the action, the party’s attorney shall  
2 subpoena licensed independent practitioners who are or have been treating  
3 the person. Any treating licensed independent practitioner subpoenaed under  
4 this subsection shall be subpoenaed as an expert witness.

5 **“SECTION 15.** ORS 426.095 is amended to read:

6 “426.095. The following is applicable to a commitment hearing held by a  
7 court under ORS 426.070:

8 “(1) The hearing may be held in a hospital, the person’s home or in some  
9 other place convenient to the court and the person alleged to have a mental  
10 illness.

11 “(2) The court shall hold the hearing at the time established according  
12 to the following:

13 “(a) Except as provided by paragraph (b) or (c) of this subsection, a  
14 hearing shall be held five judicial days from the day a court under ORS  
15 426.070 issues a citation provided under ORS 426.090.

16 “(b) Except as provided by paragraph (c) of this subsection, if a person  
17 is detained by a warrant of detention under ORS 426.070, a hearing shall be  
18 held within five judicial days of the commencement of detention.

19 “(c) If requested under this paragraph, the court, for good cause, may  
20 postpone the hearing for not more than five judicial days in order to allow  
21 preparation for the hearing. The court may make orders for the care and  
22 custody of the person during a postponement as it deems necessary. If a  
23 person is detained before a hearing under ORS 426.070, 426.180, 426.228,  
24 426.232, 426.233 or 426.702 **or section 9 of this 2025 Act** and the hearing is  
25 postponed under this paragraph, the court, for good cause, may allow the  
26 person to be detained during the postponement if the postponement is re-  
27 quested by the person or the legal counsel of the person. Any of the follow-  
28 ing may request a postponement under this paragraph:

29 “(A) The person alleged to have a mental illness or the person alleged to  
30 be an extremely dangerous person with mental illness.

1 “(B) The legal counsel or guardian of the person.

2 “(C) The individual representing the state’s interest.

3 “(3) The person alleged to have a mental illness and the individual re-  
4 presenting the state’s interest shall have the right to cross-examine all the  
5 following:

6 “(a) Witnesses.

7 “(b) The individual conducting the investigation.

8 “(c) The examining physicians or other licensed independent practitioners  
9 who have examined the person.

10 “(4) The provisions of ORS 40.230, 40.235, 40.240 and 40.250 shall not apply  
11 to and the court may consider as evidence any of the following:

12 “(a) Medical records for the current involuntary prehearing period of de-  
13 tention.

14 “(b) Statements attributed by the maker of the medical records or the  
15 investigation report to witnesses concerning their own observations in the  
16 absence of objection or if such individuals are produced as witnesses at the  
17 hearing available for cross-examination.

18 “(c) The testimony of any treating licensed independent practitioners,  
19 nurses or social workers for the prehearing period of detention. Any treating  
20 licensed independent practitioner, nurse or social worker who is subpoenaed  
21 as a witness for the proceeding shall testify as an expert witness under the  
22 provisions of ORS 40.410, 40.415, 40.420 and 40.425 and is subject to treatment  
23 as an expert witness in the payment of witness fees and costs.

24 “(d) The investigation report prepared under ORS 426.074. Subject to the  
25 following, the investigation report shall be introduced in evidence:

26 “(A) Introduction of the report under this paragraph does not require the  
27 consent of the person alleged to have a mental illness.

28 “(B) Upon objection by any party to the action, the court shall exclude  
29 any part of the investigation report that may be excluded under the Oregon  
30 Evidence Code on grounds other than those set forth in ORS 40.230, 40.235,

1 40.240 or 40.250.

2 “(C) Neither the investigation report nor any part thereof shall be intro-  
3 duced into evidence under this paragraph unless the investigator is present  
4 during the proceeding to be cross-examined or unless the presence of the  
5 investigator is waived by the person alleged to have a mental illness or  
6 counsel for the person.

7 **“SECTION 16.** ORS 426.100 is amended to read:

8 “426.100. (1) At the time the person alleged to have a mental illness is  
9 brought before the court, the court shall advise the person of the following:

10 “(a) The reason for being brought before the court;

11 “(b) The nature of the proceedings;

12 “(c) The possible results of the proceedings;

13 “(d) The right to subpoena witnesses; and

14 “(e) The person’s rights regarding representation by or appointment of  
15 counsel.

16 “(2) Subsection (3) of this section establishes the rights of persons alleged  
17 to have a mental illness in each of the following circumstances:

18 “(a) When the person is held by warrant of detention issued under ORS  
19 426.070.

20 “(b) In commitment hearings under ORS 426.095.

21 “(c) When the person is detained as provided under ORS 426.228, 426.232  
22 or 426.233 **or section 9 of this 2025 Act.**

23 “(d) In recommitment hearings under ORS 426.307.

24 “(3) When provided under subsection (2) of this section, a person alleged  
25 to have a mental illness has the following rights relating to representation  
26 by or appointment of counsel:

27 “(a) The right to obtain suitable legal counsel possessing skills and ex-  
28 perience commensurate with the nature of the allegations and complexity of  
29 the case during the proceedings.

30 “(b) If the person is determined to be financially eligible for appointed

1 counsel at state expense, the court will appoint legal counsel to represent  
2 the person. If counsel is appointed at state expense, payment of expenses and  
3 compensation relating to legal counsel shall be made as provided under ORS  
4 426.250.

5 “(c) If the person alleged to have a mental illness does not request legal  
6 counsel, the legal guardian, relative or friend may request the assistance of  
7 suitable legal counsel on behalf of the person.

8 “(d) If no request for legal counsel is made, the court shall appoint suit-  
9 able legal counsel unless counsel is expressly, knowingly and intelligently  
10 refused by the person.

11 “(e) If the person is being involuntarily detained before a hearing on the  
12 issue of commitment, the right under paragraph (a) of this subsection to  
13 contact an attorney or under paragraph (b) of this subsection to have an  
14 attorney appointed may be exercised as soon as reasonably possible.

15 “(f) In all cases suitable legal counsel shall be present at the hearing and  
16 may be present at examination and may examine all witnesses offering tes-  
17 timony, and otherwise represent the person.

18 “(4) The responsibility for representing the state’s interest in commitment  
19 proceedings, including, but not limited to, preparation of the state’s case and  
20 appearances at commitment hearings is as follows:

21 “(a) The Attorney General’s office shall have the responsibility relating  
22 to proceedings initiated by state hospital staff that are any of the following:

23 “(A) Recommitment proceedings under ORS 426.307; or

24 “(B) Proceedings under ORS 426.228, 426.232 or 426.233 **or section 9 of**  
25 **this 2025 Act.**

26 “(b) The district attorney if requested to do so by the governing body of  
27 the county.

28 “(c) In lieu of the district attorney under paragraph (b) of this subsection,  
29 a counsel designated by the governing body of a county shall take the re-  
30 sponsibility. A county governing body may designate counsel to take re-



sponsibility under this paragraph either for single proceedings or for all such proceedings the county will be obligated to pay for under ORS 426.250. If a county governing body elects to proceed under this paragraph, the county governing body shall so notify the district attorney. The expenses of an attorney appointed under this paragraph shall be paid as provided under ORS 426.250.

**SECTION 17.** ORS 426.155 is amended to read:

“426.155. (1) The provisions of this section apply to the release of information about a person who is held in custody either pending a commitment proceeding under ORS 426.070, 426.140, 426.228, 426.232, 426.233 or 426.237 (1)(b) **or section 9 of this 2025 Act** or while committed or recommitted under ORS 426.005 to 426.390.

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

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

“(A) The person’s diagnosis;

“(B) The person’s prognosis;

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

“(D) The person’s progress;

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

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

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

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

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

29       “(6) Notwithstanding any other provision of this section, an individual  
30 eligible to receive information under subsection (3) of this section may not

1 receive information unless the individual first agrees to make no further  
2 disclosure of the information. The agreement may be made orally.

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

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

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

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

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

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

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

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

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

24 “(9) The provisions of subsections (3) and (4) of this section do not limit  
25 the ability or obligation of facilities, nonhospital facilities, licensed inde-  
26 pendent practitioners, mental health care providers or licensed mental health  
27 professionals to provide information as otherwise allowed or required by law.

28 **“SECTION 18.** ORS 426.160 is amended to read:

29 “426.160. (1) The court having jurisdiction over any proceeding conducted  
30 pursuant to ORS 426.005, 426.060 to 426.170, 426.217, 426.228, 426.255 to

1 426.292, 426.300 to 426.309, 426.385, 426.395, 426.701 [*and*] **or 426.702 or section**  
2 **9 of this 2025 Act** may not disclose any part of the record of the pro-  
3 ceeding or commitment to any person except:

4 “(a) The court shall, pursuant to rules adopted by the Department of State  
5 Police, transmit the minimum information necessary, as defined in ORS  
6 181A.290, to the Department of State Police for persons described in ORS  
7 181A.290 (1)(a) or (b) to enable the department to access and maintain the  
8 information and transmit the information to the federal government as re-  
9 quired under federal law;

10 “(b) As provided in ORS 426.070 (5)(c), 426.130 (3) or 426.170 **or section**  
11 **2 (4) or 9 (3) of this 2025 Act**;

12 “(c) On request of the person subject to the proceeding;

13 “(d) On request of the person’s legal representative or the attorney for the  
14 person or the state; or

15 “(e) Pursuant to court order.

16 “(2) In any proceeding described in subsection (1) of this section that is  
17 before the Supreme Court or the Court of Appeals, the limitations on dis-  
18 closure imposed by this section apply to the appellate court record and to  
19 the trial court record while it is in the appellate court’s custody. The ap-  
20 pellate court may disclose information from the trial or appellate court re-  
21 cord in a decision, as defined in ORS 19.450, provided that the court uses  
22 initials, an alias or some other convention for protecting against public dis-  
23 closure the identity of the person subject to the proceeding.

24 “**SECTION 19.** ORS 426.235 is amended to read:

25 “426.235. (1) The community mental health program director may transfer  
26 a person in custody under ORS 426.232, 426.233 or 426.237 (1)(b) **or section**  
27 **9 of this 2025 Act** to a hospital or nonhospital facility approved by the  
28 Oregon Health Authority at any time during the period of detention.

29 “(2) A person in custody at a hospital may be transferred from the hos-  
30 pital only with the consent of the licensed independent practitioner who is

1 treating the person and when the director of a nonhospital facility approved  
2 by the authority agrees to admit the person.

3 “(3) A person in custody at a nonhospital facility approved by the au-  
4 thority may be transferred to a hospital approved by the authority only when  
5 a licensed independent practitioner with admitting privileges agrees to admit  
6 the person.

7 “(4) In transporting a person between a hospital and nonhospital facility  
8 under this section, the community mental health program director has all the  
9 powers provided in ORS 133.225 and 161.255 and may compel the assistance  
10 of any peace officer or other authorized individual.

11 “(5) When a person is transferred under this section, the community  
12 mental health program director shall notify immediately the court notified  
13 under ORS 426.234 (2) or (3) of the fact of the transfer and of the location  
14 of the person.

15 **“SECTION 20.** ORS 426.241 is amended to read:

16 “426.241. (1) The cost of emergency psychiatric care, custody and treat-  
17 ment related to or resulting from such psychiatric condition, provided by a  
18 hospital or other facility approved by the Oregon Health Authority and the  
19 community mental health program director of the county in which the fa-  
20 cility is located, except a state hospital, for a person alleged to have a  
21 mental illness who is admitted or detained under ORS 426.070, 426.140,  
22 426.228, 426.232 or 426.233 **or section 9 of this 2025 Act**, or for a person with  
23 mental illness who is admitted or detained under ORS 426.150, 426.223,  
24 426.273, 426.275 or 426.292, shall be paid by the community mental health  
25 program in the county of which the person is a resident from state funds  
26 provided to the community mental health program for this purpose. The  
27 community mental health program is responsible for the cost when state  
28 funds provided to the community mental health program are exhausted. The  
29 hospital or other facility shall charge to and collect from the person, third  
30 party payers or other legally or financially responsible individuals or entities

1 the costs of the emergency care, custody and treatment, as it would for any  
2 other patient, and any funds received shall be applied as an offset to the cost  
3 of the services provided under this section.

4 “(2) If any person is admitted to or detained in a state hospital under ORS  
5 426.070, 426.140, 426.180 to 426.210, 426.228, 426.232 or 426.233 **or section 9**  
6 **of this 2025 Act** for emergency care, custody or treatment, the authority  
7 shall charge to and collect from the person, third party payers or other le-  
8 gally or financially responsible individuals or entities the costs as it would  
9 for other patients of the state hospitals under the provisions of ORS 179.610  
10 to 179.770.

11 “(3) If any person is adjudged to have a mental illness under the pro-  
12 visions of ORS 426.130, or determined to be an extremely dangerous person  
13 with mental illness under ORS 426.701 or 426.702, and the person receives  
14 care and treatment in a state hospital, the person, third party payers or  
15 other legally or financially responsible individuals or entities shall be re-  
16 quired to pay for the costs of the hospitalization at the state hospital, as  
17 provided by ORS 179.610 to 179.770, if financially able to do so.

18 “(4) For purposes of this section and ORS 426.310, ‘resident’ means resi-  
19 dent of the county in which the person maintains a current mailing address  
20 or, if the person does not maintain a current mailing address within the  
21 state, the county in which the person is found, or the county in which a  
22 court-committed person has been conditionally released.

23 “(5)(a) The authority may deny payment for part or all of the emergency  
24 psychiatric services provided by a hospital or nonhospital facility under ORS  
25 426.232, 426.233 or 426.237 when the authority finds, upon review, that the  
26 condition of the person alleged to have a mental illness did not meet the  
27 admission criteria in ORS 426.232 (1), 426.233 (1) or 426.237 (1)(b)(A). The  
28 payer responsible under this section shall make a request for denial of pay-  
29 ment for emergency psychiatric services provided under ORS 426.232, 426.233  
30 or 426.237 in writing to the authority.

1 “(b) The authority may require the following to provide the authority  
2 with any information that the authority determines is necessary to review  
3 a request for denial of payment made under this subsection or to conduct a  
4 review of emergency psychiatric services for the purpose of planning or de-  
5 fining authority rules:

6 “(A) A hospital or nonhospital facility approved under ORS 426.228 to  
7 426.235 or 426.237.

8 “(B) A physician or a person providing emergency psychiatric services  
9 under ORS 426.228 to 426.235 or 426.237.

10 “(c) The authority shall adopt rules necessary to carry out the purposes  
11 of this subsection.

12 **“SECTION 21.** ORS 426.335 is amended to read:

13 “426.335. The following limitations on liability are applicable to actions  
14 and proceedings within this chapter and ORS 430.397 to 430.401:

15 “(1) The following individuals may not in any way be held criminally or  
16 civilly liable for the initiation of commitment procedures under ORS 426.070,  
17 provided the individual acts in good faith, on probable cause and without  
18 malice:

19 “(a) The community mental health program director or designee of the  
20 director.

21 “(b) The two petitioning persons.

22 “(c) The local health officer.

23 “(d) Any magistrate **mentioned in ORS 133.030.**

24 “(e) Any peace officer or parole and probation officer.

25 “(f) Any licensed independent practitioner attending the person alleged  
26 to have a mental illness.

27 “(g) Any licensed independent practitioner associated with the hospital  
28 or institution where the person alleged to have a mental illness is a patient.

29 “(2) The community mental health program director or the designee of the  
30 director conducting the investigation under ORS 426.070 and 426.074 shall

1 not be held criminally or civilly liable for conducting the investigation,  
2 provided the investigator acts in good faith, on probable cause and without  
3 malice.

4 “(3) The individual representing the state’s interest under ORS 426.100  
5 shall not be held criminally or civilly liable for performing responsibilities  
6 under ORS 426.100 as long as the individual acts in good faith and without  
7 malice.

8 “(4) An examiner appointed under ORS 426.110 may not be held criminally  
9 or civilly liable for actions pursuant to ORS 426.120 if the examiner acts in  
10 good faith and without malice.

11 “(5) A licensed independent practitioner, hospital, **magistrate men-**  
12 **tioned in ORS 133.030** or judge may not be held criminally or civilly liable  
13 for actions pursuant to ORS 426.228, 426.231, 426.232, 426.234 or 426.235 **or**  
14 **section 9 of this 2025 Act** if the licensed independent practitioner, hospital  
15 or judge acts in good faith, on probable cause and without malice.

16 “(6) A peace officer, individual authorized under ORS 426.233, community  
17 mental health director or designee, hospital or other facility, licensed inde-  
18 pendent practitioner or judge may not in any way be held criminally or  
19 civilly liable for actions pursuant to ORS 426.228 to 426.235 if the individual  
20 or facility acts in good faith, on probable cause and without malice.

21 “(7) Any legal guardian, relative or friend of a person with mental illness  
22 who assumes responsibility for the person under a conditional release under  
23 ORS 426.125 shall not be liable for any damages that result from the mis-  
24 conduct of the person while on conditional release if the legal guardian,  
25 relative or friend acts in good faith and without malice.

26 “(8) The individuals designated in this subsection may not be liable for  
27 personal injuries or other damages that result from the misconduct of a  
28 person with mental illness while the person is on outpatient commitment  
29 under ORS 426.127 if the designated individual acts without willful and  
30 wanton neglect of duty. This subsection is applicable to all of the following:



1       “(a) The community mental health program director and the designee of  
2 the director for the county in which the committed person resides.

3       “(b) The superintendent or director of any staff of any facility where the  
4 person with mental illness receives treatment during the outpatient commit-  
5 ment.

6       “(c) The Director of the Oregon Health Authority.

7       “(d) The licensed independent practitioner and the facility providing care  
8 or treatment to a person on outpatient commitment.

9       “(9) For trial visits granted under ORS 426.273 and 426.275:

10       “(a) The following individuals and entities may not be liable for a  
11 person’s expenses while on trial visit:

12       “(A) The licensed independent practitioner and the facility providing care  
13 or treatment to a person on a trial visit;

14       “(B) The superintendent or director of the facility providing care or  
15 treatment to a person on a trial visit;

16       “(C) The Director of the Oregon Health Authority; and

17       “(D) The chief medical officer of the facility.

18       “(b) The individuals designated in this paragraph may not be liable for  
19 damages that result from the misconduct of a person with mental illness  
20 while on trial visit if the designated individual acts without willful and  
21 wanton neglect of duty:

22       “(A) The community mental health program director for the county in  
23 which the person resides;

24       “(B) The superintendent, director or chief medical officer of any facility  
25 providing care or treatment to a patient on a trial visit;

26       “(C) The licensed independent practitioner responsible for the patient’s  
27 care or treatment during a trial visit;

28       “(D) The Director of the Oregon Health Authority; or

29       “(E) The employees and agents of individuals or facilities under this  
30 paragraph.

1       **“SECTION 22.** ORS 430.197 is amended to read:

2       “430.197. The Mental Health Services Fund is established in the State  
3 Treasury, separate and distinct from the General Fund. The Mental Health  
4 Services Fund comprises moneys collected or received by the Oregon Health  
5 Authority, the Department of Human Services and the Department of Cor-  
6 rections under ORS 179.640, 426.241 and 430.165. The moneys in the fund are  
7 continuously appropriated to the Oregon Health Authority, the Department  
8 of Human Services and the Department of Corrections for the purposes of  
9 paying the costs of:

10       “(1) Services provided to a person in a state institution, as defined in ORS  
11 179.610;

12       “(2) Emergency psychiatric care, custody and treatment paid under ORS  
13 426.241;

14       “(3) Emergency care, custody or treatment provided to a person admitted  
15 to or detained in a state mental hospital or nonhospital facility under ORS  
16 426.070, 426.140, 426.180 to 426.210, 426.228, 426.232 or 426.233 **or section 9**  
17 **of this 2025 Act**; and

18       “(4) Programs operating under ORS 430.265, 430.306 to 430.375, 430.405,  
19 430.415 and 430.850 to 430.880.

20  
21                                   **“MISCELLANEOUS**  
22

23       **“SECTION 23.** The unit captions used in this 2025 Act are provided  
24 only for the convenience of the reader and do not become part of the  
25 statutory law of this state or express any legislative intent in the  
26 enactment of this 2025 Act.

27       **“SECTION 24.** This 2025 Act being necessary for the immediate  
28 preservation of the public peace, health and safety, an emergency is  
29 declared to exist, and this 2025 Act takes effect on its passage.”.