



**TESTIMONY IN OPPOSITION TO HB 2471
HOUSE JUDICIARY COMMITTEE
FEBRUARY 26, 2025**

My name is Mae Lee Browning, Legislative Director of the Oregon Criminal Defense Lawyers Association. I testify on behalf of OCDLA in strong opposition to HB 2471.

A lot of work went into determining how to deal with personality disorders and substance use disorders in the Guilty Except for Insanity (GEI) statute. The Supreme Court in *Meiser*ⁱ analyzed all that history when coming to the conclusion that a non-qualifying mental disorder (QMD) could work together with a QMD to determine that someone is eligible for GEI.

This is important because many people with Severe and Persistent Mental Illness (SPMI) have co-occurring personality or substance use disorders (SUDs) with a QMD. According to SAMHSA's [2022 National Survey on Drug Use and Health](#), approximately 21.5 million adults in the United States have a co-occurring disorder. People with mental illness are at a higher risk of developing an SUD compared to those without mental illness. Additionally, the Psychiatric Security Review Board (PSRB) is currently supervising many people who have SUD or personality disorders in addition to SPMI.

ODAA claims that without this change, GEI will be made available to anyone with a substance use or personality disorder - but that ignores the statute and the court's decision in *Meiser* that a QMD must still have been a cause of the behavior. Any person found eligible for GEI must be evaluated by a certified forensic evaluation and be determined to have a QMD - just the same as it's always been.

The bill proposed by ODAA puts evaluators in an impossible position - there is no clinically acceptable way to determine what behavior is caused by which disorder for a person with co-occurring SPMI and personality disorder. This will lead to inequity in who is found eligible for GEI.

This bill has not had the type of input from subject matter experts or time for debate that it should be afforded given its potential to impact one of the only successful mental health treatment systems in the state. Even if we met last week as originally planned, one meeting or two meetings on this issue is not enough time before making such a huge change. We should wait, collect data, consult with experts and have conversations this interim and over the short session before changes, if any, are considered. Don't rush such an important issue.

Mae Lee Browning
Legislative Director
Oregon Criminal Defense Lawyers Associationⁱⁱ

ⁱ *State v. Meiser*, 372 Or 438 (2024). (“Meiser IV”).

ⁱⁱ OCDLA’s 1,200 members statewide include public defense providers, private bar attorneys, investigators, experts, and law students. Our attorneys represent Oregon’s children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, adults in criminal proceedings at the trial and appellate level, as well as civil commitment proceedings throughout the state of Oregon. Our mission is championing justice, promoting individual rights, and supporting the legal defense community through education and advocacy.