



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

Members of the Committee:

My name is Allison Knight, lead mental health attorney at Public Defender Services in Lane County, here on behalf of OCDLA.

I represent clients with SPMI in criminal and civil commitment cases, also represent patients who have been found GEI before the PSRB.

I'm sure I'm not the first person to tell you all that the mental health system in Oregon is in crisis. The state hospital is full of patients needing restoration for competency, the community hospitals have filed lawsuits related to civil commitment patients boarding for too long. Constituents are rightfully demanding action on how to get services to people who need them. We are not in a position where we can be limiting access to any effective mental health treatment system - but that's what this bill seeks to do.

You've been told that without this legislative change the PSRB will be overrun - this ignores the real gatekeeping mechanisms that prevent most defendants from choosing a GEI, even if they qualify for it.

The first of the gatekeepers to GEI is the time it takes to pursue: GEI requires an evaluation by a CFE opining that the defendant meets criteria. The state has the option of pursuing their own evaluation as well. A quality GEI evaluation can take several months to complete. If the state requests their own evaluation, that can take several more months. These evaluations usually can't begin at the start of the case- in order for a CFE to do this evaluation, the defendant must be fit to proceed. In many cases, a person who qualifies for GEI is not fit at the beginning of their case and must undergo some form of competency restoration. If that restoration takes place at OSH, that time at OSH counts towards any in custody time they would serve as part of their sentence. Once a person comes back from OSH and is fit to proceed, the general sentiment is how to resolve their case as quickly as possible - it's very hard to persuade a person who could resolve their case and get out of custody to move on with their life to wait it out several more months in hopes of pursuing a GEI.

The second gatekeeper is the length of supervision under the jurisdiction of the board. Felony sentencing is controlled by the felony sentencing guidelines, but GEI adjudication is only controlled by the statutory maximums. The court can require a jurisdiction length of up to 5, 10 or 20 years depending on the classification of felony. Most jurisdiction lengths are for the statutory maximum. Most people are not discharged early. Most defendants spend substantially longer in a locked setting or under

supervision when they are under the jurisdiction of the board than if they had just done a DOC sentence.

These gatekeeping mechanisms will still exist and will still prevent most defendants from pursuing a GEI with or without this statutory change.

The PSRB is a unique resource in Oregon - when I counsel clients on whether to pursue a GEI, I explain that it's true they might be stuck in the hospital or under significant restrictions for longer than if they plead, but they won't have to worry about where to live, or how to get their medications, or how to access treatment. The PSRB was designed to treat people with significant mental health needs, and its low recidivism rate of less than 1% shows that it does a great job at that.

The current statutory scheme for GEI was the product of significant debate and thoughtfulness over several legislative sessions. The Supreme Court relied on that rich legislative history when deciding the Meiser case. This bill overlooks all of that good work and reacts to a problem that doesn't presently exist. Any changes to the GEI statute should be afforded more discussion and more input from experts on this topic than is currently allowed in this session.

Sincerely,  
Allison Knight