



February 26, 2025

House Committee on Judiciary
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Opposition of House Bill 2471

Dear Chair Kropf, Vice-chair Chotzen, Vice-chair- Wallan, and members of the committee,

Thank you for the opportunity to provide testimony on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 42,000 supporters statewide.

We strongly oppose House Bill 2471, which modifies when a person is guilty except for insanity to require that the incapacity is primarily the result of a qualifying mental disorder.

The ACLU of Oregon fights for the due process rights of people with disabilities. The ACLU of Oregon believes that people with disabilities should be treated fairly in our criminal legal system.

In our current criminal legal system, any person found eligible for GEI must be evaluated by a certified forensic evaluation and be determined to have a QMD, as the current process does. There is no clinically acceptable way to determine what behavior is caused by which disorder for a person with co-occurring Severe and Persistent Mental Illness (SPMI) and personality disorder. House Bill 2471 overrides the current process in Oregon that determines QMD, and instead by requiring that the incapacity is *primarily* the result of a qualifying mental disorder, there is an added burden to our certified forensic evaluators and criminal legal system. **The lack of ability to make this clear distinction will limit the defendant's ability for a fair trial and create an inequity in who is found eligible for GEI.**

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 disorder¹. Severe and Persistent Mental Illness (SPMI) have co-occurring personality or substance use disorders (SUDs) with a QMD. It is important the criminal legal system has the ability to properly evaluate and make fair and holistic decisions on GEI. House Bill 2471 burdens our current system and hampers its ability to treat people fairly and in a manner informed by medical experts.

Given the reasons above, **the ACLU of Oregon urges you to not support the passage of House Bill 2471.**

Respectfully,

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For any questions, please email Jessica Maravilla, Policy Director at jmaravilla@aclu-or.org

¹ SAMHSA's 2022 National Survey on Drug Use and Health: [2022 National Survey on Drug Use and Health \(NSDUH\) Releases | CBHSQ Data](#)