

**TESTIMONY ON HOUSE BILL 3051
BEFORE THE HOUSE COMMITTEE ON JUDICIARY
MARCH 10, 2025**

**PRESENTED BY: CHANNA NEWELL, SENIOR STAFF COUNSEL FOR
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OREGON JUDICIAL DEPARTMENT**

Chair Kropf, Vice-Chairs Wallan and Chotzen, and Members of the Committee:

Thank you for the opportunity to testify on House Bill 3051 and the -3 amendments. The Oregon Judicial Department (OJD) opposes this measure.

Since November of 2024, Chair Kropf's Forensic Behavioral Health Workgroup has been working towards holistic responses to both the civil commitment and aid and assist crises. The workgroup has met for over 55 hours, either as a subcommittee or as the full workgroup, and many more hours have been spent in small groups and individually to find ways to solve these problems to the best of our ability. We appreciate Chair Kropf providing a forum and guidance on these tricky issues.

The workgroup's final meeting is Friday, March 14, 2025. A series of bills are expected before you for consideration the week of March 24, 2025.

One of the ground rules of this effort was that all workgroup participants understood that concepts would be heard together at the conclusion of the workgroup's efforts. At that time, individual entities would be able to advocate for their bills that were not in the recommendation of the workgroup. By design, the workgroup members would need to be at the table to talk through ideas before their bills could be heard.

The Oregon Health Authority (OHA) has been present at the workgroup meetings and in the subcommittees. OHA heard the same rules of engagement as the other workgroup participants. OHA was present at meetings on February 26, February 28, and March 5, 2025. At no time did OHA give any indication to the workgroup that it was requesting to have its bill heard outside of the group, nor has it offered an explanation to the group as to why this bill had to be posted on a Friday afternoon for a Monday hearing.

The -3 amendments have not been endorsed or recommended by the workgroup. The results of the federal court order, codified and expanded in the -3 amendments, are a major reason the workgroup was formed in the first place. By acting outside the workgroup process, OHA has caused confusion and has jeopardized the efforts of the workgroup. We urge the committee not to support its actions, which are not in the best interests of the state as a whole.

Nonetheless, the workgroup remains committed to delivering a robust concept to you. In regard to aid and assist, the workgroup expects to deliver legislation to you on:

- Admission criteria to the Oregon State Hospital (OSH) when a defendant is unable to aid and assist in their own defense;
- Time limitations on length of stay at OSH for restoration;
- Development of a secured restoration center for those who do not need hospitalization for restoration, but do need a secured therapeutic environment;
- Limitations on length of time a defendant can be restored in the community;
- Criteria that judges can rely upon to determine whether a person is unable to aid and assist in their own defense;
- Increased utilization of the Office of the Public Guardian in aid and assist cases;
- Simple improvements, such as information sharing and statutory structure and clarity;
- Offramps away from criminal justice and into alternatives, such as guardianship, commitment, or short-term stabilization centers; and
- Centralized evaluation services.

The workgroup has been diving into the nuances of the aid and assist system and its interactions with civil commitment. Through this process, we have identified immediate needs and long-term goals for our state. The various workgroup members have found a place to bring ideas and are finding a place to understand each other and build trust towards future efforts. The workgroup intends to continue through the interim to recommend additional improvement and reforms to Oregon's behavioral health systems. The workgroup's products are a *holistic* approach to solving the aid and assist crisis. We would point out to the committee that this hearing has been scheduled 48 hours before a federal court hearing to determine whether OHA should be held in contempt for violating the defendants' constitutional rights. While having this hearing might help OHA avoid being found in contempt in federal court, it endangers the significant and serious efforts of the workgroup. We urge you to reject the -3 amendments and continue working toward a holistic solution.