

Submitter: Malcolm Aquinas
On Behalf Of:
Committee: Senate Committee On Judiciary
Measure, Appointment or Topic: SB1114
Honorable Members of the Judiciary Committee:

I offer the following testimony in support of SB1114 as a private citizen of the State of Oregon.

I have extensive experience working with individuals who have been placed under the jurisdiction of the Psychiatric Security Review Board (PSRB). There are significant differences in each person's case related to their dangerousness, course of mental disorder, responsiveness to treatment, and other variables.

Unfortunately, these differences are not reflected in the current application of ORS 161.295, Guilty Except for Insanity (GEI). Individuals adjudicated GEI almost always receive a jurisdictional sentence that is the maximum time allowed based on the offense(s) in question. This sentencing practice, paired with the PSRB's practice of maintaining jurisdiction for the maximum time allowable, frequently results in individual's remaining in the custody of the State well beyond the time their mental health providers think it is clinically justified.

This results in at least two significant and unnecessary issues. First, individuals adjudicated GEI are deprived of life, liberty, and the pursuit of happiness well beyond the time the justification for their custody has elapsed. Second, the expenditure of limited resources on those who are no longer in need of these services unnecessarily strains an already over-burdened and under-funded behavioral health system.

The broader question for me is how do we provide equity in opportunity for rehabilitation and regaining autonomy over one's life especially when the variable causing the bias is disability-related? A person who has been adjudicated GEI, by statute, either didn't understand the wrongfulness of their actions or were unable to conform their behavior to lawful conduct due to a qualifying mental disorder. If we applied the reasoning to a condition like epilepsy or diabetes, the inequity and unfairness would be obvious. Consequently, the actions taken to protect the public should be nonpunitive, least restrictive, and as time-limited as possible.

I thank you for considering my testimony in favor of SB1114.

Respectfully yours,
Malcolm Aquinas