



**TO: Sen. Floyd Prozanski, Chair
Sen. Sara Gelser Blouin
Members of Senate Judiciary Committee**

**FR: Melissa Marrero
On behalf of Oregon District Attorneys Association**

RE: OPPOSITION TO SB 1114

Thank you for the opportunity to provide testimony from the Oregon District Attorney's Association in opposition to Senate Bill 1114.

ODAA is opposed to Senate Bill 1114, which we believe blurs the fundamental distinction between a conviction and individuals adjudged guilty except for insanity (GEI).

Currently, under ORS 161.295, a person is GEI if, as a result of a qualifying mental disorder at the time of the crime, the person either lacks the substantial capacity to appreciate the criminality of their conduct or is unable to conform their conduct to the requirements of law. A person found GEI is not convicted of any crime, and they are absolved of criminal liability.

SB 1114 limits total jurisdiction under the Psychiatric Security Review Board (PSRB) to lengths of criminal sentences established by the Criminal Justice Commission. In doing so, it misapplies criminal sentencing principles to a population that was never convicted or sentenced. The sentencing guidelines take into account crime seriousness and a person's criminal history. They were not designed to address the population of individuals who are so mentally ill that they are determined to not be culpable for their conduct. And the timelines that would be in place if SB 1114 passed are simply too short for that purpose.

Unlike individuals convicted of crimes who serve fixed sentences, individuals adjudicated GEI remain under the Board's jurisdiction based on whether they remain mentally ill and also whether they are dangerous when their mental disorder is not in a state of remission. This standard ensures treatment and supervision decisions are based on psychiatric evaluation and not arbitrary timelines. Their commitment to the Board is not punitive, but rather based on the need for treatment and public safety.

SB 1114 erodes this standard and significantly shortens the possible terms of GEI jurisdiction. It significantly increases the likelihood that dangerous individuals will be released before they are truly stable and safe and who the Board has otherwise determined are not appropriate for discharge.

Finally, and most significantly, SB 1114 has a look-back provision, and allows individuals currently under the supervision of the PSRB to file for post-conviction relief based on the length of jurisdiction previously imposed. Relief would be granted if the person was previously found GEI and the length of jurisdiction exceeded the shortened time limits contemplated in the bill. This would result in the discharge of a significant number of individuals who are otherwise properly subject to the Board's jurisdiction, and would potentially impact every individual adjudicated GEI under the Board's jurisdiction, which as of January of this year was 588 individuals.

Under ORS 161.351, the PSRB is to discharge an individual when "upon a hearing, finds by a preponderance of the evidence that the person is no longer affected by a qualifying mental disorder or, if so affected, no longer presents a substantial danger to others that requires regular medical care, medication, supervision or treatment." We encourage the Committee not to upend this important public safety lever.

SB 1114 weakens public safety protections by reducing oversight and prematurely releasing individuals who pose a threat to the communities they will be released into. It also blurs the critical legal and psychiatric distinctions between criminal sentencing and the treatment-based GEI approach.