



Disability
Rights
Oregon

TO: House Committee on Judiciary
FROM: Ben Gurewitz
DATE: March 28, 2025
RE: HB 3051 - Support

Chair Kropf, Vice-Chair Wallen, Vice Chair Chozen and Members of the Committee,

My name is Ben Gurewitz, and I am writing on behalf of Disability Rights Oregon in Support of HB 3051. DRO is Oregon's designated Protection and Advocacy System, charged with protecting, advocating for, and enforcing the rights of people with disabilities.

DRO supports HB 3051, which would alter the timelines for community restoration and otherwise focus restoration services on those detainees most likely to be restored. Advocates for both HB 3051 and HB 2476 can agree, I think, that the backdrop of both bills is a struggle to decide how to best use the limited resources of the state to serve a broad group of people with mental illnesses.

Demand for behavioral health services far outstrips the supply in Oregon currently. Absent greater ongoing investment in behavioral health in Oregon, neither bill is likely to address the underlying, long-term problems in Oregon. Advocates for both bills can also agree, I think, that the indefinite placement of a defendant in community restoration is unlikely to benefit any party. Some limitations on community restoration are important in order to preserve the limited resources for those most likely to benefit from them and to avoid protracted attempts to restore people who are unlikely to be restored to the capacity to stand trial.

Hospital-based restoration services are most successful in the first 6 months of hospitalization, with increasingly diminishing returns for patients as their time in restoration stretches on. Comparatively few patients who remain unable to aid and assist after 12 months in the state hospital are likely to be restored by further community restoration or hospital-based restoration. Some people are simply not restorable, because of their underlying condition. Sometimes they are not restorable because their underlying

condition includes a traumatic brain injury, an intellectual or developmental disability, or another condition that is not likely to respond to current psychiatric treatment. Sometimes patients with conventional mental illnesses remain too confused or disorganized in their thoughts to stand trial, even after extensive stabilization and restoration services. After substantial efforts to restore a person in the hospital or in the community have been attempted, the frequent reality is that further efforts to restore that person are unlikely to succeed. At some point, when restoration efforts are repeatedly unsuccessful, all parties have to accept that further efforts have little chance of success. Instead of futilely attempting to bring 100% of all cases to trial through endless restoration processes, the time frame for restoration must be limited by the clinical evidence of what we know about the relative likelihood of success during a particular window.

HB 3051 relies heavily on clinical evidence about the success of restoration services during timeframes.

About Disability Rights Oregon

Since 1977 Disability Rights Oregon has been the State's Protection and Advocacy System.¹ We are authorized by Congress to protect, advocate, and enforce the rights of people with disabilities under the U.S. Constitution and Federal and State laws, investigate abuse and neglect of people with disabilities, and "pursue administrative, legal, and other appropriate remedies".² We are also mandated to "educate policymakers" on matters related to people with disabilities.³

If you have any questions regarding DRO's position on this legislation, please call Ben Gurewitz at 971-806-7908 or email him at bgurewitz@droregon.org.