

Requested by Senator SMITH DB

**PROPOSED AMENDMENTS TO
HOUSE BILL 4070**

1 On page 1 of the printed bill, line 2, after “care;” insert “creating new
2 provisions;”.

3 In line 4, delete the second “and”.

4 In line 5, after “430.634” insert “; and declaring an emergency”.

5 On page 23, after line 43, insert:

6 **“SECTION 30. (1) As used in this section, ‘local correctional
7 facility’ has the meaning given that term in ORS 169.005.**

8 **“(2) The Legislative Assembly finds that:**

9 **“(a) Local correctional facilities across this state are increasingly
10 serving as de facto behavioral health facilities due to a lack of acces-
11 sible behavioral health treatment options in the community.**

12 **“(b) A significant number of adults in custody who are in the cus-
13 tody of a local correctional facility are receiving medication for a
14 mental health disorder or are experiencing homelessness.**

15 **“(c) There is a systemic failure in this state to provide adequate
16 behavioral health and housing services, resulting in the avoidable in-
17 carceration of individuals with mental health or substance use disor-
18 ders and a strain on local law enforcement, county budgets and public
19 safety infrastructure.**

20 **“(d) The State of Oregon must assess the extent to which insuffi-
21 cient behavioral health system capacity is contributing to crowding in**

1 local correctional facilities, increased recidivism and poor health out-
2 comes for vulnerable populations.

3 “(e) A comprehensive evaluation is necessary to guide future policy
4 decisions, ensure appropriate allocation of resources and protect the
5 constitutional and human rights of individuals with mental health or
6 substance use disorders.

7 **“SECTION 31. (1) As used in this section:**

8 “(a) ‘Adults in custody’ means adults in custody who are in the
9 custody of a local correctional facility that is operated by a county.

10 “(b) ‘Local correctional facility’ has the meaning given that term
11 in ORS 169.005.

12 “(2) The Oregon Health Authority, in consultation with the Oregon
13 Criminal Justice Commission, the Department of Corrections and the
14 Association of Oregon Counties, shall conduct a statewide evaluation
15 of the impact that insufficient behavioral health system capacity has
16 on local correctional facilities and adults in custody. The evaluation
17 shall include:

18 “(a) The percentage of adults in custody who are currently receiv-
19 ing medication or treatment for a mental health or substance use
20 disorder;

21 “(b) The prevalence of co-occurring homelessness and mental
22 health or substance use disorders among adults in custody;

23 “(c) Regional disparities in access to behavioral health and housing
24 services;

25 “(d) The average length of time that an adult in custody who has
26 a mental health or substance use disorder is held in custody, compared
27 to an adult in custody who does not have a mental health or substance
28 use disorder;

29 “(e) Sources of delays in the behavioral health system, such as wait
30 times for behavioral health evaluations, psychiatric hospital beds and

1 **diversion programs; and**

2 **“(f) The financial impact on local correctional facilities of holding**
3 **in custody adults with untreated or undertreated mental health or**
4 **substance use disorders.**

5 **“(3) In conducting the statewide evaluation under this section, the**
6 **authority, the commission, the department and the association shall**
7 **collaborate with counties, law enforcement, behavioral health provid-**
8 **ers, advocacy groups and individuals with lived experience as adults**
9 **in custody with mental health or substance use disorders.**

10 **“(4) The authority shall report its findings and policy recommen-**
11 **dations in the manner provided by ORS 192.245 to the interim com-**
12 **mittees of the Legislative Assembly related to behavioral health and**
13 **public safety no later than December 1, 2027. The report shall include**
14 **proposed legislative or budgetary actions to improve access to behav-**
15 **ioral health and housing services and to reduce crowding in local**
16 **correctional facilities.**

17 **“SECTION 32. Sections 30 and 31 of this 2026 Act are repealed on**
18 **January 2, 2028.**

19 **“SECTION 33. This 2026 Act being necessary for the immediate**
20 **preservation of the public peace, health and safety, an emergency is**
21 **declared to exist, and this 2026 Act takes effect on its passage.”.**

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