

HB 4043-2
(LC 256)
2/10/26 (JLM/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Jason Kropf)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4043**

1 On page 1 of the printed bill, line 2, after “1.184” insert “and section 45,
2 chapter 559, Oregon Laws 2025”.

3 On page 3, after line 27, insert:

4 **“SECTION 4.** Section 45, chapter 559, Oregon Laws 2025, is amended to
5 read:

6 **“Sec. 45.** (1) For purposes of this section, the purpose of community res-
7 toration is the restoration of the defendant’s fitness to proceed in order to
8 continue the criminal case.

9 “(2)(a) If the most serious offense in the charging instrument is a vio-
10 lation or a misdemeanor other than a Class A misdemeanor, the maximum
11 time period that the defendant may be ordered to engage in community res-
12 toration services is 90 days. The time period may be extended by the court
13 as described in subsection (3) of this section by an additional 90 days, up to
14 a total of 180 days.

15 “(b) If the most serious offense in the charging instrument is a Class A
16 misdemeanor other than a person Class A misdemeanor, the maximum time
17 period that the defendant may be ordered to engage in community restoration
18 services is 90 days. The time period may be extended by the court as de-
19 scribed in subsection (3) of this section by additional increments of 90 days,
20 to up to a total of 365 days.

21 “(c) If the most serious offense in the charging instrument is a person

1 Class A misdemeanor or a contempt charge, the maximum time period that
2 the defendant may be ordered to engage in community restoration services
3 is six months. The time period may be extended by the court as described in
4 subsection (3) of this section by additional increments of six months, to up
5 to a total of 18 months.

6 “(d) If the most serious offense in the charging instrument is a felony
7 other than aggravated murder, a violent felony or a crime listed in ORS
8 137.700 (2), the maximum time period that the defendant may be ordered to
9 engage in community restoration services is 12 months. The time period may
10 be extended by the court as described in subsection (3) of this section by
11 additional increments of six months, to up to a total of 24 months.

12 “(e) If the most serious offense in the charging instrument is aggravated
13 murder, a violent felony or a crime listed in ORS 137.700 (2), the maximum
14 time period that the defendant may be ordered to engage in community res-
15 toration services is 18 months. The time period may be extended by the
16 court as described in subsection (3) of this section by additional increments
17 of six months, to up to a total of 24 months.

18 “(3)(a) The court may extend the maximum time periods of community
19 restoration services, up to the total amounts specified in subsection (2) this
20 section, upon the request of a party as provided in this subsection.

21 “(b) A party may petition for an extension to the maximum period of
22 community restoration described in subsection (2) of this section. The peti-
23 tion must be submitted at least five days prior to the expiration of the
24 maximum period of community restoration. The court may extend the dead-
25 line for filing a petition for good cause.

26 “(c) Upon receipt of a petition described in paragraph (b) of this sub-
27 section, the court shall hold a hearing. The hearing must occur within 30
28 days after the filing of the petition.

29 “(d) The court may extend the community restoration period if the court
30 finds:

1 “(A) There is clear evidence of progress toward the defendant gaining or
2 regaining fitness to proceed; and

3 “(B) That appropriate services are being made available to the defendant.

4 “(e) The petitioning party has the burden of proof.

5 “(f) The court may continue the order for the defendant to participate in
6 community restoration services pending the outcome of the petition.

7 “(4) The following time periods may not be considered when calculating
8 the maximum period of community restoration services under subsection (2)
9 of this section:

10 “(a) A period of time between a scheduled court appearance at which the
11 defendant fails to appear and the next scheduled court appearance at which
12 the defendant appears, other than an appearance that occurs for the purpose
13 of addressing the failure to appear;

14 “(b) A period of time between a scheduled fitness to proceed evaluation
15 at which the defendant fails to appear and the next scheduled court appear-
16 ance at which the defendant appears;

17 “(c) A period of time during which the defendant is in violation of a re-
18 lease agreement condition that the court finds negatively impacts the
19 defendant’s ability to participate or engage in community restoration ser-
20 vices, as determined by the court;

21 “(d) A period of time during which the defendant is in the custody of a
22 local or state correctional facility;

23 “(e) A period of time during which the defendant fails to make reasonable
24 efforts toward gaining or regaining fitness to proceed, as determined by the
25 court;

26 “(f) A period of time during which the defendant is not attending or
27 complying with community restoration services treatment, and any nonat-
28 tendance is not excused, as determined by the court;

29 “(g) A period of time during which the defendant is noncompliant with
30 taking or receiving, or verbally refuses to take or receive, prescribed

1 medications, as determined by the court; and

2 “(h) A period of time between the defendant’s absconsion from a secure
3 residential treatment facility or other secure placement and the next sched-
4 uled court appearance at which the defendant appears.

5 “(5) When a defendant has been ordered to engage in community restora-
6 tion services:

7 “(a) The court shall conduct regular status reviews at least every 45 days.
8 The status review may consist of the court reviewing a report to the court
9 by the community mental health program director concerning the defendant’s
10 progress. Any report provided to the court for a status review must include
11 information concerning whether the defendant is making progress toward
12 gaining or regaining fitness to proceed, what services that are being provided
13 to the defendant and the identification of any additional services that are
14 required to meet the defendant’s restoration needs.

15 “(b) The court shall conduct a review hearing at least every 180 days, or
16 every 90 days if the most serious offense in the charging instrument is a vi-
17 olation, a Class B or Class C misdemeanor or a Class A misdemeanor other
18 than a person Class A misdemeanor. At the review hearing, the court shall
19 determine whether the purpose of community restoration is being met, and
20 the court may take any action authorized under ORS 161.370 (2)(c) at the
21 hearing.

22 “(c) The defendant shall be evaluated to determine whether the defendant
23 has gained or regained fitness to proceed at least every 180 days.

24 “(d) If the most serious offense in the charging instrument is a violation,
25 a Class B or Class C misdemeanor or a Class A misdemeanor other than a
26 person Class A misdemeanor, the court shall order that an updated evalu-
27 ation, to determine whether the defendant has gained or regained fitness to
28 proceed, be conducted and a report submitted to the court prior to the review
29 hearing occurring 90 days after the order to engage in community restoration
30 services is entered.

1 “(e) [A *community restoration services provider* shall immediately notify the
2 court] **The community mental health program director, or the entity**
3 **providing community restoration services to the defendant, if the di-**
4 **rector delegates the duty to the entity, shall file notice with the court**
5 **within two judicial days** following the defendant’s noncompliance with
6 taking or receiving, or verbal refusal to take or receive, prescribed
7 medications, or **any other** noncompliance or unexcused absence from com-
8 munity restoration services treatment. The notice shall contain a description
9 of **the noncompliance and** efforts taken to engage the defendant in taking
10 or receiving medication or attending and complying with treatment services.
11 The [*community restoration services provider*] **notifying party** shall addi-
12 tionally notify the court if the defendant thereafter begins taking or receiv-
13 ing prescribed medications or attending and complying with treatment
14 services.”.
