



## **Comments in Opposition: House Bill 4106**

From Chris Bouneff, Executive Director, NAMI Oregon

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House Judiciary Committee

NAMI Oregon wishes to express its opposition to HB 4106, which is legislation that appears to provide criminal and civil immunity for law enforcement officers who harm individuals who meet criteria for civil commitment when applying restraint or physical force when transporting them.

As background, NAMI Oregon is a grassroots, membership-governed organization. Our membership is almost entirely composed of individuals who live with mental health disorders, family members with loved ones living with disorders, or parents/caregivers raising children living with behavioral health issues. Many of us check multiple boxes. With our 17 local chapters, we annually serve more than 15,000 Oregonians through our free education, support, and awareness programs.

The proponents of HB 4106 raise a legitimate issue, which is one that Marion County identified during discussions in the 2025 Legislature that led to HB 2005, the omnibus bill that addresses reforms in the civil commitment system and "aid and assist" system.

However, NAMI believes that HB 4106 goes too far. A plain language reading of the bill raises significant concerns that, as a practical effect, individuals living with mental illness who are needlessly and carelessly harmed will have no recourse as long as an officer applying force does so "in good faith and without malice." This is too broad and potentially disastrous to individuals who meet criteria for civil commitment if force is applied improperly or in excess of what might be reasonable given the totality of circumstances.

As mentioned earlier, the use of law enforcement for transportation and what liability they should face is an issue worthy of discussion. It should involve multiple stakeholders, including NAMI Oregon. And the goal should be reaching consensus with as many of those stakeholders as possible.

Unfortunately, the process that led to HB 4106 didn't utilize such an engagement model, and the result is language that is so alarming as to generate significant opposition that includes NAMI Oregon. We recommend that proponents look to the long legislation session in 2027 and work with stakeholders on a shared solution that addresses the issues being raised without sacrificing the health, safety, and rights of individuals living with mental illness.

Thank you for this opportunity to provide input.