

Chair and Members of the House Judiciary Committee,

I submit this testimony in opposition to HB 4106. I speak as someone who has personally navigated Oregon's mental health system and understands how vulnerable a person is during involuntary treatment.

HB 4106 does not simply clarify existing law. Current law already provides liability protections in this area, and this bill explicitly adds immunity "in addition to" those protections under ORS 426.335(6). That makes this an expansion, not a technical fix. The bill grants immunity from criminal and civil liability for restraints or physical force during transport so long as an officer asserts a reasonable belief, acts in good faith, and without malice. "Malice" is an extraordinarily high bar. In real-world terms, that makes it extremely difficult to challenge excessive force unless someone can prove intentional wrongdoing.

The people affected by this bill have committed no crime. They are detained for medical reasons.

Civil commitment transport places someone fully in the state's custody. The person is restrained, moved by force of law, often in crisis, and has no meaningful ability to document or contest what happens in that moment. When the state takes someone into custody outside the criminal system, it assumes a heightened constitutional duty to protect that person's safety and bodily integrity. Expanding immunity in that setting makes it harder to ensure that duty is met.

This bill creates an imbalance. In criminal detention, use of force is governed by established standards and subject to review. HB 4106 would expand immunity, therefore reducing safety and accountability, in a medical transport context for people who have **committed no crime** and need a ride to get help. Accountability should not decrease simply because the detention is labeled "treatment."

When force is used without meaningful oversight, it damages trust in the mental health system. When people lose trust, they delay or avoid seeking help. Delayed care leads to more severe crises, increased hospitalizations, greater system strain, and in some cases preventable loss of life. It also costs people their autonomy, stability, and recovery.

If Oregon values transparency and accountability in law enforcement, those values should apply consistently. Accountability is not anti-law enforcement. It protects the public, and it protects the integrity of the system. If the concern is safe transport, then the solution is clearer standards, better training, and proper oversight — not broader immunity.

When someone is taken for involuntary treatment, they are already at their most vulnerable. They are entirely reliant on the state to act responsibly. The state's power is at its greatest during involuntary transport. That is precisely when accountability must be strongest. Anything less erodes trust, dignity, and the rule of law.

For these reasons, I respectfully urge a "No" vote on HB 4106.

Sincerely,

Scott Lemons

