

**HOUSE AMENDMENTS TO
A-ENGROSSED SENATE BILL 232
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON STATE AND FEDERAL AFFAIRS

August 2

1 On page 1 of the printed A-engrossed bill, line 4, after "419C.501" delete the rest of the line and
2 line 5 and insert "and 419C.626; and appropriating money."

3 On page 3, delete lines 36 through 45 and insert:

4 "(2) 'Mental disease or defect' does not include:

5 "(a) An abnormality:

6 "(A) Manifested only by repeated criminal or otherwise antisocial conduct;

7 "(B) Constituting solely a personality disorder; or

8 "(C) Constituting solely a conduct disorder; or

9 "(b) A mental defect manifesting in significantly subaverage general intellectual functioning that
10 is accompanied by significant limitations in adaptive functioning in at least two areas or charac-
11 terized by severe and pervasive impairment manifested during the developmental period.

12 "(3) 'Serious mental condition' means a condition that requires supervision and treatment ser-
13 vices for the safety of others and is:

14 "(a) A mental illness of major depression;

15 "(b) A mental illness of bipolar disorder; or

16 "(c) A mental illness of psychotic disorder."

17 On page 4, delete lines 1 through 3.

18 On page 8, line 13, delete "or developmental dis-".

19 In line 14, delete "abilities".

20 In line 16, delete "or develop-".

21 In line 17, delete "mental disabilities".

22 In line 18, delete "or developmental disabilities".

23 In line 20, delete "or developmental disabilities".

24 In line 22, delete "or developmental disabilities".

25 In line 37, delete "or developmental disabilities".

26 In line 45, delete "or developmental disabilities".

27 On page 9, after line 7, insert:

28 "(e) State on the record the mental disease or defense on which the young person relied for the
29 responsible except for insanity defense."

30 On page 12, line 15, delete "or developmental disabilities".

31 In line 18, delete "or developmental".

32 In line 19, delete "disabilities".

33 In line 20, delete "or developmental disabilities".

34 In line 22, delete "or developmental disabilities".

1 In line 29, delete “or developmental disabilities”.

2 On page 13, line 29, delete “or developmental disabilities”.

3 On page 22, after line 24, insert:

4 **“SECTION 24a. If Senate Bill 1059 becomes law, section 24 of this 2005 Act (amending**
5 **ORS 161.375) is repealed and ORS 161.375, as amended by section 7, chapter __, Oregon Laws**
6 **2005 (Enrolled Senate Bill 1059), is amended to read:**

7 “161.375. (1) When a patient, who has been placed at the Oregon State Hospital for evaluation,
8 care, custody and treatment under the jurisdiction of the Psychiatric Security Review Board or by
9 court order under ORS 161.315, 161.365 or 161.370, has escaped or is absent without authorization
10 from the Oregon State Hospital or from the custody of any person in whose charge the superinten-
11 dent has placed the patient, the superintendent may order the arrest and detention of the patient.

12 “(2) When a patient, who has been placed at a secure intensive community inpatient facility for
13 evaluation, care, custody and treatment under the jurisdiction of the Psychiatric Security Review
14 Board or by court order under ORS 161.315, 161.365 or 161.370 **or section 6 of this 2005 Act**, has
15 escaped or is absent without authorization from the facility or from the custody of any person in
16 whose charge the director of the facility has placed the patient, the director of the facility shall
17 notify the Director of Human Services. The Director of Human Services may order the arrest and
18 detention of the patient.

19 “(3) The superintendent or the Director of Human Services may issue an order under this sec-
20 tion based upon a reasonable belief that grounds exist for issuing the order. When reasonable, the
21 superintendent or the Director of Human Services shall investigate to ascertain whether such
22 grounds exist.

23 “(4) Any order issued by the superintendent or the Director of Human Services as authorized
24 by this section constitutes full authority for the arrest and detention of the patient and all laws
25 applicable to warrant or arrest apply to the order. An order issued by the superintendent or the
26 Director of Human Services under this section expires 72 hours after being signed by the super-
27 intendent or the Director of Human Services.

28 “(5) As used in this section, ‘superintendent’ means the superintendent of the Oregon State
29 Hospital or the superintendent’s authorized representative.”.

30 On page 23, delete lines 25 through 45 and insert:

31 **“NOTE:** Section 27 was deleted by amendment. Subsequent sections were not renumbered.”.

32 On page 24, delete lines 1 through 11.

33 On page 27, delete lines 37 through 45 and insert:

34 **“NOTE:** Section 32 was deleted by amendment. Subsequent sections were not renumbered.”.

35 On page 28, delete lines 1 through 15.

36 On page 30, line 7, after “38.” insert “(1) Sections 35 to 37 of this 2005 Act and the amendments
37 to ORS 21.010 and 161.385 by sections 20 and 33 of this 2005 Act become operative on January 1,
38 2007.

39 “(2)”.

40 In line 9, delete “, 419C.626 and 419C.656” and insert “and 419C.626” and delete “27” and insert
41 “26”.

42 Delete line 11 and insert:

43 **“SECTION 39. (1) The Department of Human Services shall study the issue of how to**
44 **allow a child with developmental disabilities to assert the affirmative defense of mental dis-**
45 **ease or defect constituting insanity when the child is alleged to be within the jurisdiction of**

1 the juvenile court under ORS chapter 419C.

2 “(2) The department shall submit a written report to the Legislative Assembly no later
3 than January 1, 2007, summarizing the results of the study required by this section. The re-
4 port shall contain recommendations for legislation if the department finds that legislation is
5 required.”

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