

D R A F T

SUMMARY

Establishes Task Force on the Determination of a Defendant's Fitness to Proceed by Reason of Incapacity for purpose of studying issues related to procedures and processes for determining defendant's fitness to proceed. Requires task force to make certain recommendations and submit report, including recommendations for legislation, to interim committees of Legislative Assembly related to criminal justice no later than September 15, 2020.

Sunsets task force on December 31, 2020.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to task force for determining defendant's fitness to proceed; and
3 declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) The Task Force on the Determination of a**
6 **Defendant's Fitness to Proceed by Reason of Incapacity is established.**

7 **(2) The task force consists of 11 members appointed jointly by the**
8 **Oregon Health Authority and the Judicial Department as follows:**

9 **(a) One member who is a district attorney.**

10 **(b) One member who is a criminal defense attorney.**

11 **(c) One member who is a sheriff.**

12 **(d) One member representing the Department of Justice.**

13 **(e) One member representing an association of community mental**
14 **health programs.**

15 **(f) One member representing the Judicial Department.**

16 **(g) One member who is a public safety officer.**

17 **(h) One member representing a nonprofit organization that advo-**

1 cates for individuals with disabilities.

2 (i) One member who is a person with lived experience of mental
3 illness.

4 (j) Two members representing the Oregon Health Authority.

5 (3) The task force shall study issues relating to procedures for de-
6 termining a defendant's fitness to proceed and make recommendations
7 regarding:

8 (a) Improvements to procedures for conducting examinations that
9 are used to determine whether a defendant is fit to proceed;

10 (b) The organization of services that are necessary to restore the
11 defendant's fitness after a determination has been made that the de-
12 fendant lacks the fitness to proceed;

13 (c) Increased timeliness in completing the determination of fitness
14 process;

15 (d) An economical method for using state mental hospital re-
16 sources; and

17 (e) Improvements in assessing a defendant's mental health treat-
18 ment needs.

19 (4) The task force may adopt rules necessary for the operation of
20 the task force.

21 (5) The task force may accept donations of moneys and nonmone-
22 tary assistance from any public or private source for the purpose of
23 carrying out the duties of the task force.

24 (6) A majority of the members of the task force constitutes a quo-
25 rum for the transaction of business.

26 (7) Official action by the task force requires the approval of a ma-
27 jority of the members of the task force.

28 (8) The task force shall elect one of its members to serve as chair-
29 person.

30 (9) If there is a vacancy for any cause, the appointing authority
31 shall make an appointment to become immediately effective.

1 **(10) The task force shall meet at times and places specified by the**
2 **call of the chairperson or of a majority of the members of the task**
3 **force.**

4 **(11) The task force may adopt rules necessary for the operation of**
5 **the task force.**

6 **(12) The task force shall submit a report, including recommen-**
7 **dations for legislation, in the manner provided in ORS 192.245, to the**
8 **interim committees of the Legislative Assembly related to criminal**
9 **justice, no later than September 15, 2020.**

10 **(13) The Oregon Health Authority shall provide staff support to the**
11 **task force.**

12 **(14) Members of the task force are not entitled to compensation or**
13 **reimbursement for expenses and serve as volunteers on the task force.**

14 **(15) All agencies of state government, as defined in ORS 174.111, are**
15 **directed to assist the task force in the performance of the duties of the**
16 **task force and, to the extent permitted by laws relating to**
17 **confidentiality, to furnish information and advice the members of the**
18 **task force consider necessary to perform their duties.**

19 **SECTION 2.** **Section 1 of this 2019 Act is repealed on December 31,**
20 **2020.**

21 **SECTION 3.** **This 2019 Act being necessary for the immediate pres-**
22 **ervation of the public peace, health and safety, an emergency is de-**
23 **clared to exist, and this 2019 Act takes effect on its passage.**

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