



OACP/OSSA Legislative Priorities 2019 Oregon Legislative Session Prepared by: Kevin Campbell

The following list of legislative proposals supported by the OACP & OSSA:

- 1 Mental Health Hold (LC 749):** Provisions still being negotiated in a workgroup. Could include the following options:
 - Emergency certification or petition that allows for the immediate hold for up to 15 days where any person held under an emergency hold can petition for an immediate hearing, which then must be held within five days of request (Louisiana, New York).
 - Probable cause hearing at time or within 48 hours of a petition or receipt of an emergency certification to court. If probable cause for involuntary emergency hold is found, then initial hold can be for 10 + days (Maryland, New Hampshire, New Jersey, South Carolina, Utah).
 - Emergency hold for 7-10 days (Michigan, North Carolina)

- 2 Community Commitment/Alternative Outpatient Treatment:** Provisions are still be negotiated but could include:

- Upon discharge from hospital or treatment facility (following stabilization), client must appear at court within 2 weeks and as frequently as court requires thereafter;
- Community commitment is mandatory for at least three months following initial commitment, unless treating psychiatrist ends earlier;
- Psychiatrist can request initial commitment period of more than 3 months but less than 24 months;
- Diagnosis and treatment remains with psychiatrist, including ending commitment;
- Extensions beyond three months are at the recommendation of the psychiatrist and have a specific court hearing, both patient and psychiatrist must appear;
- No more than 24 months on community commitment;
- Robust and coordinated case management;
- Robust and coordinated communication between all partners, including psychiatrist service providers, housing providers, and courts;

- 3 Minimum Oregon State Police Patrol Trooper Staffing Level by 2030 (LC 413):** This measure would provide that the Department of State Police maintain a patrol trooper staffing level of at least 15 patrol troopers per 100,000 residents based on population figures from the most recent federal decennial census. Currently, OSP is 48th out of the 49 states that have highway patrols in the United States with just 8 troopers per 100,000 population.

Search and Rescue Funding (LC 2121): A coalition including Sheriffs, Outdoor Oregon, Mt. Hood Meadows, Office of Outdoor Recreation, Oregon Emergency Management, Oregon Restaurant and Lodging Association and Travel Oregon are developing legislation to create an Oregon Outdoor Recreation Search and Rescue Fund. While the details are still in process, the need to identify resources to ameliorate the growing impact of incidents requiring search and rescue resources is vital.

Redemption Rights Reform Legislation (LC 1773): This measure seeks to address unscrupulous individuals and companies that aggressively persuade judgment debtors or their heirs to sell their property rights and/or redemption rights by taking advantage of the debtors' lack of knowledge or

understanding of those rights. These same aggressive individuals and companies may also obtain excess funds – due to the debtor after foreclosure sale – without the judgment debtor knowing they may have been entitled to those funds. These individuals and companies are acting as foreclosure consultants without being subject to the Mortgage Rescue Fraud Protection Act under ORS 646A.700 et seq.

UUV/Stolen Vehicle Fix Legislation (LC 952): Decisions of the Oregon Court of Appeals in *State v Shipe*, 264 Or App 391 (2014) and *State v Korth*, 269 Or App 238 (2015) have all but crippled vehicle theft prosecutions in Oregon. The cases require that the state prove the defendant “knowingly” took possession of a stolen vehicle. Absent clear admission or a confession by the suspect, it is nearly impossible to successfully prosecute a person for unauthorized use of a vehicle. These court decisions have had a direct bearing on the increase of vehicle theft and property crime across Oregon. This legislative concept was negotiated with ACLU and OCDLA. It has a fiscal impact but the impact to economically disadvantaged Oregonians who are suffering from this rash of car thefts is staggering.

Community Impact Fiscal Impact Statements Legislation (ODAA): Housed within the Oregon Criminal Justice Commission, this program would provide for the analysis of all proposals changing Oregon’s public safety system to determine whether the cost (to victims, taxpayers, law enforcement agencies, prosecutors, public defenders, supervising authorities, the Oregon Judicial Department, etc.) outweighs the benefits of the proposed change. This program currently exists in Washington State where they evaluate the community impact for all agencies.

Oregon School’s Safe to Learn Act (LC 1407): Would establish a Statewide School Safety and Prevention System based on the threat assessment team concept in place in Marion County. The proposal is the recommendation of the Oregon School Safety Task Force that is chaired by Sheriff Craig Roberts. This system would be a complimentary program to the Safe Oregon Tip Line. The Oregon Legislature’s Joint Student Success Committee identified this concept as one of their recommendations after touring Oregon and listening to testimony from citizens and groups from around the state. The program is a program that addresses youth suicide, bullying and cyberbullying and threats to the school and students.

4 Campus Public Safety Reform – Kaylee’s Law (LC 644): Named after Kaylee Sawyer who was murdered by Central Oregon Community College campus security officer Edwin Lara and COCC’s failure to change course following the tragedy. This measure was initiated by the Oregon Department of Justice in coordination with Bend Police Chief Jim Porter and Deschutes County District Attorney John Hummel. The legislation would provide that campus public safety officers/private security professionals do not have stop and frisk authority. It also creates restrictions on vehicles, uniforms and equipment. Exempts retired members of the Public Employees Retirement System from limitations on reemployment if the member is reemployed by a public university as a special campus security officer.

5 Threatening a Mass Casualty Event (Rep. Baretto and Sen. Knopp): Currently there is no Oregon Revised Statute that makes it a crime to threaten a mass shooting or similar mass casualty event unless the person made the threat knowing it to be false (see ORS 166.023 Disorderly Conduct I which is classified as a misdemeanor). In other words if the suspect was actually intending to follow through with the threat or to cause fear or alarm in others, in most circumstances it would not be criminal to merely make the threat.