

HOUSE BILL 2309 – WHAT YOU NEED TO KNOW

What?

HB 2309 (created by the 2017 Legislature) allows subsequent aid and assist (“370”) evaluations to be “updates” rather than full evaluations.

When?

HB 2309 takes effect January 1, 2018.

How?

After January 1, 2018, forensic evaluators may simply provide an updated progress report – rather than a full report – to update an earlier evaluation that was conducted pursuant to ORS 161.365 or 161.370.

Why?

The Legislature recognizes there has been a substantial increase in the number of forensic evaluations needed over the last few years, while at the same time, there is a shortage of evaluators. The bill was designed to lighten the load for evaluators and better enable them to provide updated information to courts and other necessary parties.

Can an evaluator still choose to submit a full report?

Yes. An evaluator can choose to submit either an update or full report, depending on the situation. For example, if the new evaluator receives significantly more information than the initial evaluator had, the new evaluator may choose to submit a full report.

How will the Forensic Evaluation Service (FES) implement HB 2309?

While the bill’s language technically allows an FES evaluator to simply update a private report, FES evaluators will only do updates when the initial report was written by an FES evaluator. This is true even if the private report was written by an FES evaluator in the capacity of her or his private practice. This protocol acknowledges that FES evaluators often have the benefit of information and documentation, etc., that private evaluators do not have. It also avoids the appearance that FES trusts some private evaluators more than others.

Questions?

If you have any questions, please contact OSH Legal Affairs at 503-947-2937.