

# HOUSE BILL 2405 – WHAT YOU NEED TO KNOW

## WHEN?

The Governor signed HB 2405 and it will take effect on January 1, 2024.

## WHAT?

HB 2405 amends statutes relating to fitness to proceed. HB 2405 amends ORS 161.367 to provide that if the court intends to dismiss all charges by which a person is committed to and currently located at a state mental hospital or other facility, the court shall order that the defendant be immediately transported back to the county in which the charges were initiated. The dismissal will take effect only when the defendant has arrived at that jurisdiction.

## WHY?

HB 2405 remedies situations where the Oregon State Hospital has been forced to discharge a defendant onto the streets in Marion County due to lack of transportation, which creates a burden for the defendant and the county. HB 2405 codifies a practice that supports defendants and counties, and that has been supported by the Oregon State Hospital to transport a defendant back to their jurisdiction county.

## HOW?

OSH will coordinate discharge and transportation with local law enforcement from the jurisdiction of the defendant's charges, and local law enforcement will transport the defendant back to that county.

## WHERE?

Read HB 2405 online:

<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB2405/Enrolled>

## QUESTIONS?

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

