

## **Purpose**

This information sheet explains how an individual may become subject to civil commitment under Oregon law as an extremely dangerous person with mental illness (EDPMI) and come under the jurisdiction of the PSRB. It summarizes the statutory criteria, stages of commitment, placement options, review processes, and termination of commitment for this unique civil commitment category.

## **How a Person May be Committed as EDPMI**

A civil commitment under [ORS 426.701](#) begins when a district attorney (DA) files a petition alleging that an individual meets the statutory criteria for EDPMI. Venue for the petition lies in the county circuit court where the qualifying act occurred or where the person lives. The petition must allege facts supporting *all* of the following criteria, to be proven at a hearing by clear and convincing evidence:

1. The person is extremely dangerous.
  - Is at least 18 years old;
  - Is exhibiting symptoms or behaviors of a *qualifying mental disorder* that are substantially similar to those present before the qualifying act; and
  - Because of the qualifying mental disorder, the person poses an *extreme risk* of inflicting grave or potentially lethal physical harm on others and will continue to pose that risk in the foreseeable future without commitment.
2. The person suffers from a qualifying mental disorder that is resistant to treatment.
  - “Resistant to treatment” means the person remains significantly impaired in decision-making and control of extremely dangerous behavior after receiving care and exhausting reasonable psychiatric treatment, or after refusing treatment.
3. Because of the qualifying mental disorder that is resistant to treatment, the person committed one of the listed acts. Following the passage of HB 2005 (2025), the statute now expressly includes *causing or attempting to cause* these acts:
  - Caused or attempted to cause the death of another person;
  - Caused or attempted to cause serious physical injury to another with a dangerous weapon;
  - Caused or attempted to cause physical injury to another with a firearm or explosive;
  - Engaged or attempted to engage in oral-genital contact with a child under 14 years of age;
  - Forcibly compelled or attempted to forcibly compel sexual penetration, oral-genital contact, or anal/vaginal penetration of another; or
  - Caused or attempted to cause a fire or explosion that damaged (or was reasonably likely to damage) property or placed another person at risk of physical injury, where the incident was not incidental to normal daily activities.

If the court finds all three criteria are met at the hearing, the person is ordered civilly committed under the jurisdiction of the PSRB for a period not to exceed 24 months.

### **Role of the Examiner**

- **Initial commitment:** The circuit court appoints an independent examiner to evaluate the individual at the outset of the first commitment.
- **Subsequent hearings and reviews:** The individual's current medical practitioner serves as the examiner for all subsequent review hearings, providing updated clinical assessment and recommendations to guide PSRB certifications and placement determinations

### **Rights and Procedures at the Commitment Hearing**

At the initial commitment hearing, the person subject to the petition has the right to:

- Be advised in writing of the allegations and possible commitment;
- Receive and consult with legal counsel (court-appointed if indigent);
- Subpoena witnesses and present evidence;
- Cross-examine witnesses; and
- Examine reports and documents offered as evidence.
- The court also appoints an independent examiner to evaluate the individual.

### **Placement After Commitment**

Once committed under ORS 426.701, the court may:

- Order placement in Oregon State Hospital if the person cannot be safely controlled in the community with appropriate care, supervision, medication, and treatment; or
- Allow conditional release (community placement), typically to a secure residential treatment facility (SRTF), if the court determines that the person can be safely managed in the community with proper supports.<sup>1</sup>

Once under conditional release, the PSRB establishes and may modify conditions of release as necessary to protect the public and support treatment.

### **Review and Ongoing Commitment While Under the PSRB**

During review, the PSRB and treatment team assess whether the criteria for continued commitment are still met.

- **Initial review:** Six months after initial commitment or recommitment;
- **Certification review:** Every 24 months to determine if recommitment is appropriate;
- **Ongoing review:** Requested by hospital or supervising community program to determine if conditional release, discharge, or modification of conditional release is appropriate.
- The State is represented by initiating DA, or their delegate.
- The individual is represented by counsel, appointed if one cannot be afforded.

---

<sup>1</sup> Placement in the community requires additional community evaluation to a Community Mental Health Program contracted to perform monitoring and supervision services to individuals under the PSRB's jurisdiction.

### **Continuing Commitment and Discharge**

At the end of the 24-month commitment period, the person is presumptively discharged unless the PSRB certifies to the court that the individual continues to meet EDPMI criteria; that is, still extremely dangerous and suffering from a treatment-resistant qualifying mental disorder.

- If the individual protests the PSRB's certification, the court schedules a hearing where evidence is presented, and the individual has an opportunity to contest continued commitment.
- If the individual does not protest, the court issues an order extending the commitment and defers to the PSRB regarding placement, including whether the individual should remain in Oregon State Hospital or on conditional release in the community.