

Rulemaking Summary



The Psychiatric Security Review Board (PSRB) recently completed rulemaking updates to Oregon Administrative Rule (OAR) [Chapter 859, Division 70](#), adding two new rules addressing victim-safety considerations in conditional release planning and modifications.

- A Rules Advisory Committee (RAC) met to consider the rule language on June 4, 17, and 29, 2026.
- Notices were distributed in July and a public hearing was held on August 17, 2026.
- The rules were approved by the Board on August 26, 2026 and took effect on September 2, 2026.

Why did PSRB update the rules?



PSRB undertook this rulemaking to clarify and improve processes related to victims' contact preferences and safety concerns. The adopted rules establish standards for how outpatient supervisors, legal counsel, and the Board address victim-safety considerations in conditional release planning and modification requests. Historically, these considerations were generally addressed through hearings, but the processes were not reflected in administrative rule, creating uncertainty about roles and responsibilities, particularly when concerns arose between hearings. The new rules are intended to improve consistency and reduce unnecessary administrative burden by addressing victim-safety considerations during conditional release planning or, for individuals already on conditional release, through administrative review of modifications when appropriate.

The Board continues to develop a separate rule establishing a process for victims who wish to reinstate contact when the judgment placing an individual under PSRB jurisdiction includes a no-contact provision. Permanent rulemaking on that rule is anticipated later this year.

What changed?



1. Who will be impacted most by the rule changes?

Counsel: Both defense and State counsel should be familiar with the new procedures for raising and responding to victim-safety considerations in conditional release planning and modification requests. The rules establish a clearer process for obtaining input from the parties and, when appropriate, resolving agreed-upon modifications through administrative review rather than a formal hearing.

Outpatient Supervisors: Outpatient supervisors responsible for developing and implementing conditional release plans must identify and address victim-safety considerations as part of the initial plan and any proposed modification, and follow the processes established by the rules.

PSRB Clients: PSRB clients may see victim-safety considerations addressed more explicitly in conditional release plans and proposed modifications. These types of conditions have always been available; the new rules do not create new or additional conditions. Instead, they establish a clearer and more transparent process for how victim-safety requests are identified, proposed, and reviewed by the Board.

Victims: The rules provide victims named in the court order placing an individual under PSRB jurisdiction with clearer avenues to raise victim-safety considerations and have their preferences considered by the Board, both during conditional release planning and after the individual is released to the community.

Victim Advocates: Victim advocates should be familiar with the new processes so they can help victims communicate safety considerations as early as possible, allowing them to be addressed during conditional release planning and, when possible, at an already-scheduled Board hearing rather than through a separate, later modification request.

2. What changes do I need to understand?

OAR 859-070-0022 Victim Safety Considerations in Community Evaluations, Conditional Release Plans, and Conditional Release Modifications

- The rule codifies the long-standing expectation that outpatient supervisors address victim-safety considerations when preparing a community evaluation, proposed conditional release plan, or a modification to a conditional release plan. Victim-safety considerations may include:
 - No-contact provisions
 - Geographic restrictions
 - Travel restrictions
 - Restrictions on communication or visitation with a victim
 - Restrictions involving specific locations, and
 - Procedures for addressing inadvertent or unavoidable contact.
- Outpatient supervisors must discern whether the victim-safety consideration can be addressed through treatment, supervision, or conditions of release and, if so, recommend the appropriate conditions. If no conditions are recommended, outpatient supervisors should briefly explain why.
- The Board will review the recommended conditions through a contested hearing process and determine whether to approve them.
- This analysis and corresponding recommendations should be incorporated into the community evaluation or modification request and corresponding summary of conditional release plan and does not require additional forms or documentation.

OAR 859-070-0027 - State Requests for Victim-Safety Modifications of Conditional Release

- The State may request modifications to a conditional release order when victim-safety concerns arise after a conditional release or court conditional release hearing or between scheduled hearings.
- The Board will provide the request to the client's attorney and outpatient supervisor for consideration. The outpatient supervisor must discern whether the requested condition can be implemented and supervised and submit a written opinion to the Board within 14 days.
- Both the State and the client's attorney have 14 days to respond to the outpatient supervisor's opinion.
- If all parties agree on the requested condition, the Executive Director may approve and authorize a modified conditional release order.
- If all parties do not agree, the State may choose to proceed, and the matter will be referred to the Board for administrative review. If the State chooses not to proceed, the request will be closed without further action.

Immediate Safety Concerns: Nothing in these rules requires the parties or the Board to wait for the ordinary modification process when immediate action is necessary to protect the public. Existing authority to take immediate action, including modification or termination of conditional release as otherwise authorized by rule, remains available.

3. What did the rules help define or clarify?

The Victim Safety Considerations rule is intended to codify existing good practices and standardize the approach that outpatient supervisors take to address victim-safety concerns while planning conditional release or when new victim-safety concerns arise after the initial hearing. It is also meant to reduce the need for additional hearings related to victim-safety concerns by addressing these issues directly during the initial phase of conditional release.

Similarly, the State Requests for Victim-Safety Modifications rule is intended to streamline the process for victims to raise concerns after a person is conditionally released into the community. Often these relate to the approved conditional release terms and proximity to a victim's place of work or residence, but there could be other reasons and victims' preferences may change over time. This rule provides a route to address victims' concerns through an administrative review process, saving time and resources for involved parties.

4. When are the changes effective?

Both rules are effective as of September 2, 2026.

How Can I Learn More?



1. Will there be training?

The PSRB is not providing training specific to these rules. If you would like additional guidance, please contact us!

2. Where can I view the rules?

The adopted rules are published on the Oregon Secretary of State's [website](#). View these and other all PSRB OARs in [Chapter 859](#).

3. How can I learn more about PSRB rulemaking?

The PSRB Rulemaking [webpage](#) contains information for upcoming and recently adopted rules, including materials and recordings for Rules Advisory Committees (RACs), proposed rule documents, public comments, and legislative history materials.

4. I still have questions. Who do I contact?

Please contact Alysson Bocciolatt, Rulemaking Coordinator, with questions regarding this or other rulemaking activities:

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