IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR (County Name) COUNTY

THE STATE OF OREGON, )

 )

 Plaintiff, ) CASE NO. (County Case Number)

 )

 v. ) JUDGMENT OF GUILTY EXCEPT

 ) FOR INSANITY AND ORDER

 (Client Name) , ) PLACING DEFENDANT ON

) CONDITIONAL RELEASE

) UNDER PSRB

 This matter came before the Court on (date) , before the Honorable (Judge name) , Circuit Court Judge; defendant appearing in court in person and with his/her attorney, (Attorney name) , and the State of Oregon appearing by and in person of (DA’s name) , Deputy District Attorney for (County name) County; and

 IT APPEARING TO THE COURT that prior hereto, the defendant entered a plea of not guilty to the charge(s) of (crime(s)) ; and

IT FURTHER APPEARING TO THE COURT that the defendant has given notice of intent to rely on evidence of qualifying mental disorder as an affirmative defense; and

 IT FURTHER APPEARING TO THE COURT that based upon the report of Dr. (author of psych evaluation) , who is certified by the Oregon Health Authority to conduct such an evaluation, the stipulation of counsel, and the records and files herein; and the court being fully advised in the premises, finds the above-named defendant able to understand the nature of the charge against him/her and to assist and cooperate with counsel and participate in his/her defense; and

 IT FURTHER APPEARING TO THE COURT that on (date) , the matter came to trial before the court, the defendant having waived his/her right to trial by jury in writing; and the court having heard the evidence of the State and the defendant by stipulation, and being fully advised in the premises finds:

 That the defendant, (Client Name) , committed the acts alleged in counts (numbers) of the information/indictment constituting the crime(s) of (list crime(s));

 IT FURTHER APPEARING TO THE COURT

 That, based on the report of Dr. (name) , dated (date) , that the defendant is affected by a qualifying mental disorder, to wit ;

 That as a result of qualifying mental disorder at the time of engaging in criminal conduct, the defendant lacked substantial capacity either to appreciate the criminality of the conduct or to conform his/her conduct to the requirements of law;

 That the defendant would have been guilty of a felony;

That if each crime committed by the defendant is a Class C felony, that an evaluation for conditional release was previously ordered by the court for defendant to be examined by a local mental health program designated by the PSRB for consideration of conditional release;

IT FURTHER APPEARING TO THE COURT

That defendant was examined by a local mental health program and a report of the examination was submitted to the court for consideration;

That the court has notified the supervising agency pursuant to ORS 161.327(2) and has given the staff of that agency an opportunity to be heard before the court;

 That although the defendant is affected by a qualifying mental disorder which, when active, renders him/her a substantial danger to others, he/she can be adequately controlled with supervision and treatment if he/she were released, and such supervision and treatment are available;

 That the victim(s) of the crime(s), (Victim Name(s)), at (address) do(es)/do(es) not desire notification of any Psychiatric Security Review Board hearings, conditional release modifications, discharge, or escape of the defendant.

 IT IS HEREBY ORDERED AND ADJUDGED that the defendant, (Client Name) , is guilty except for insanity of the crime(s) of (list crime(s)) ; and

 IT IS FURTHER ORDERED AND ADJUDGED that the defendant be placed under the jurisdiction of the Psychiatric Security Review Board for care, custody and treatment for a maximum period of time not to exceed (number) year(s); and

 IT IS FURTHER ORDERED AND ADJUDGED that the defendant be conditionally released subject to the following special instructions:

1. Defendant shall reside at (address) . (Client Name) shall not change his/her place of residence without securing prior approval from his/her case manager and the Board’s Executive Director.

2. (Client Name) shall participate in a mental health treatment program coordinated by the staff of (county name) County Mental Health Agency at (agency name) .

3. (Client Name) shall supervise Mr./Ms. (Client Name) ’s community release and submit monthly progress reports to the Board, pursuant to ORS 161.327(2), beginning (date first report due) .

4. (Client Name) shall participate in the medication regimen as established by the treating physician or psychiatrist at (agency name) and shall take all of his/her prescribed medication. If applicable, the staff of the supervised residence shall observe (Client Name) in the ingestion of his/her medications on a daily basis.

5. (Client Name) shall submit to and comply with the request for blood levels to assure compliance with the ingestion of medications.

6. (Client Name) shall submit to random alcohol and other drug testing as directed by his/her case manager at a minimum of (number) times per month.

7. (Client Name) shall not possess any firearms, illegal knives or other weapons, nor shall any such weapons be allowed on the property where he/she is living.

8. (Client Name) is prohibited from consuming or possessing narcotics or controlled substances in any form under any circumstances unless lawfully prescribed in writing by a licensed medical person, nor shall alcohol or narcotics be allowed on the property where he/she is living.

9. (Client Name) shall not operate a motor vehicle without permission from the Psychiatric Security Review Board.

10. (Client Name) shall obey all laws.

11. (Client Name) shall not have contact with the victim of the crime(s) for which he/she was placed under the jurisdiction of the Board unless authorized by the Board.

 IT IS HEREBY ORDERED that (Client Name) is conditionally released subject to the conditions as set forth in this order as well as the Board’s general conditions of release as set forth in the Board’s form.

 ORS 161.325—Blood or Buccal Sample Required. The defendant has been found Guilty except for Insanity (GEI) as to offenses described in ORS 137.076 and shall provide blood or buccal samples at the request of the Psychiatric Security Review Board.

As a result of the adjudication of mental illness the defendant is prohibited from purchasing or possessing a firearm, and from shipping, transporting, receiving, or possessing a firearm or ammunition under ORS 181A.290 and 18 USC section 922(g)(4).

Firearms prohibition to be entered in LEDS/NICS by the Sheriff pursuant to 18 USC 922 (g) and OAR 257-010-0015 and 257-010-0060.

It is further ORDERED that any and all requested documents from government bodies or agencies be released to the Oregon State Hospital and the Psychiatric Security Review Board for the purpose of, and use in, necessary treatment and examination.

IT IS SO ORDERED this day of , 20 .

 (Judge Signature)

 (Typed Judge Name)

 Court Judge

cc: Executive Director

Psychiatric Security Review Board

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