



NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 859

PSYCHIATRIC SECURITY REVIEW BOARD

FILED: 06/29/2026 3:28 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Victim request to reinstate contact and victim-safety considerations for conditional release planning or modifications.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/17/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:

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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/17/2026

TIME: 2:00 PM - 2:30 PM

OFFICER: Alysson Bocciolatt

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 420915575

SPECIAL INSTRUCTIONS:

Join online: <https://teams.microsoft.com/meet/268186749329314?p=4wDf4NGnpze3zISRvZ>

Meeting ID: 268 186 749 329 314

Passcode: r8v8TC3J

NEED FOR THE RULE(S):

The Request to Reinstate Process Rule clarifies the role of the Board in determining whether contact is appropriate and authorizing contact between victims and persons under the Board's jurisdiction when the judgment placing that person under the Board includes a no-contact provision. This provides an avenue for victims who wish to have contact to have their request reviewed by the Board and relevant professionals, thus balancing the Board's obligations to public safety, accountability, and support for victims.

The rules adopted for victim-safety considerations clarify expectations of the Board in regards to the treatment of victim-safety concerns for parties involved in conditional release evaluations and placements when a person becomes eligible for conditional release. The rule ensures that victim safety considerations are taken into account for placement decisions, something which typically occurs in practice, but is not yet stated in rule. The proposed rules also clarify the process for the Board to consider proposed modifications from the outpatient supervisor or the State when a person is on conditional release, and additional or new victim-safety concerns emerge. This is meant to provide clear avenues for victim-safety considerations to be raised after the initial conditional release hearing and placement and to streamline the process to reduce unnecessary administrative burden related to additional hearings for the agency, defense and the State.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

PSRB Victim Contact Options, available upon request or on the PSRB website

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The agency does not anticipate this rule to have an impact on racial equity in the state.

FISCAL AND ECONOMIC IMPACT:

The proposed rules will not have any fiscal or economic impact. The rules are anticipated to streamline existing processes, making them more efficient for involved agencies.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

- (1) There is no expected economic effect for state agencies, local government or the public related to the proposed rules.
(2) There is no anticipated economic effect for small businesses related to the proposed rules.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in drafting these rules. The Rules Advisory Committee was consulted and did not identify any potential impact for small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

859-030-0016, 859-070-0022, 859-070-0027

ADOPT: 859-030-0016

RULE SUMMARY: Rule outlines the process for victims to request to reinstate contact with a person under the jurisdiction of the PSRB when there is a no-contact provision in the judgment which placed them under the PSRB.

CHANGES TO RULE:

859-030-0016

Victim Request to Reinstate Contact

(1) The purpose of these rules is to establish the process by which a named victim may request reinstatement of contact with an individual under the jurisdiction of the Psychiatric Security Review Board (PSRB), including individuals adjudicated Guilty Except for Insanity (GEI), Responsible Except for Insanity (REI), or civilly committed under ORS 426.701.

(2) These rules apply to any case in which a court judgment placing an individual under the PSRB includes a no-contact provision with a named victim and that victim seeks to restore direct or indirect contact with the individual under PSRB jurisdiction.

(3) A victim requesting reinstatement of contact must submit a completed request in the form and manner required by the Board.

(a) A minor may not submit a form on their own behalf. Requests on behalf of minors must be submitted by their legal guardian and coordinated with PSRB staff and any other agency involved with the minor's custody or supervision of care.

(b) Submitting the form constitutes informed consent for the PSRB to review and consider the request. The victim's request, and information submitted in support of the request, become part of the Board's record. Information in the request will be protected, redacted, or withheld to the same extent as other information in the Board's record, as required or permitted by law.

(4) The PSRB shall not authorize contact when a separate, valid court-issued protective order exists, including:

(a) Restraining orders;

(b) Stalking protective orders;

(c) Criminal no-contact orders; or

(d) Any other protective order not contained in the judgment which placed the individual under the PSRB's jurisdiction.

(5) For individuals at the Oregon State Hospital (OSH):

(a) When the PSRB receives a request, the Executive Director shall conduct an administrative review.

(b) The Executive Director may consult with hospital staff, treatment professionals, the individual's attorney, the district attorney or Attorney General representative, victim advocates, outpatient supervisors, or other persons with relevant information regarding safety, treatment, clinical stability, legal limitations, or implementation of contact.

(c) The Executive Director will issue a written determination authorizing or denying reinstatement of contact to the victim who submitted the request, or their legal guardian in the case of a minor. The written determination may specify the approved type, manner, frequency, supervision, monitoring, or other limitations on contact. The determination is made part of the individual's exhibit file.

(d) Victim contact authorized by the Executive Director during OSH placement will be reviewed by the Board when the individual becomes eligible for conditional release and a hearing is requested. At that time, the Board may consider victim contact as part of the conditional release plan. The Board's decision supersedes any previous determination made by the Executive Director.

(6) For individuals on conditional release:

When the PSRB receives a victim's request for contact, the Executive Director shall provide the request to the outpatient supervisor for review and consideration. If the outpatient supervisor supports reinstating contact with the individual under their supervision, they may request an administrative hearing to modify the individual's conditions of release through the Board's Conditional release modification process.

(7) In determining whether to authorize the requested form of contact, the Board or Executive Director may consider:

(a) The victim's stated preference;

(b) The individual's current legal status and placement;

(c) Any separate court order restricting contact;

(d) The individual's clinical stability, treatment progress, insight, and ability to comply with boundaries;

(e) Public safety and victim safety;

(f) The recommendation of hospital staff, treatment providers, outpatient supervisor, or supervising agencies;

(g) Whether contact can be safely monitored or structured;

(h) Whether releases of information or other treatment coordination are necessary;

(i) The type, frequency, and manner of contact requested;

(j) The history and nature of the underlying conduct related to Board jurisdiction; and

(k) Any other information relevant to the protection of the public, the best interests of justice, the welfare of the individual under the Board's jurisdiction, and the dignity and safety of the victim.

(8) A victim may request to withdraw or restrict their contact at any time by submitting a completed request in the form and manner required by the Board. ¶

(9) Nothing in this rule limits the authority of the PSRB, OSH, or an outpatient supervising agency to take immediate action within their authority to prevent contact that presents a safety concern, violates a court order, violates a Board order, or is inconsistent with treatment or supervision requirements.

Statutory/Other Authority: ORS 161.387

Statutes/Other Implemented: ORS 161.387

RULE SUMMARY: This rule describes victim-safety considerations expected to be addressed by outpatient supervisors while preparing a community evaluation, proposed conditional release plan, or a modification of a conditional release plan and how the Board will treat proposed victim-safety considerations.

CHANGES TO RULE:

859-070-0022

Victim-Safety Considerations in Community Evaluations, Conditional Release Plans, and Conditional Release Modifications

(1) Any victim-related provision contained in the judgment placing the client under the PSRB's jurisdiction is the baseline victim-safety condition for conditional release and shall be included in the PSRB conditional release order unless otherwise ordered or modified by the PSRB.¶

(2) When preparing a community evaluation and proposed conditional release plan, or a modification of a conditional release plan, the outpatient supervisor must consider whether any additional or modified conditions are necessary to address victim safety considerations for victims defined in OAR 859-010-0005.¶

(3) Victim-safety considerations may include, but are not limited to:¶

(a) No-contact provisions:¶

(b) Geographic restrictions:¶

(c) Travel restrictions:¶

(d) Restrictions on communication or visitation with a victim:¶

(e) Restrictions involving specific locations; or¶

(f) Procedures for addressing inadvertent or unavoidable contact.¶

(4) In determining whether to recommend a victim-safety condition, the outpatient supervisor may review information from the PSRB's exhibit file and staff, Department of Justice victim advocate, the client's current treatment team, or the parties to inform recommendations regarding proposed conditions.¶

(5) Nothing in this rule requires or authorizes disclosure of privileged, confidential, or otherwise protected information, except as permitted by law. Any information shared, reviewed, or included under this rule should be limited to what is reasonably necessary to identify, explain, or support a recommended victim-safety condition.¶

(6) The identification of a victim-safety consideration does not, by itself, determine whether a client can be conditionally released to the proposed placement. The outpatient supervisor must consider whether the victim-safety consideration can be addressed through treatment, supervision, or conditions of release. If so, the outpatient supervisor should recommend conditions necessary to address the consideration.¶

(7) When victim-safety considerations are identified, the conditional release plan or modification request must either:¶

(a) Recommend any special conditions related to victim safety; or¶

(b) State that no such special conditions are recommended and briefly explain why.¶

(8) The Board shall determine whether to approve or deny the requested or recommended victim-safety condition. Statutory/Other Authority: 161.387

Statutes/Other Implemented: 161.336

ADOPT: 859-070-0027

RULE SUMMARY: This rule outlines the process for the State to request modifications to a conditional release order when victim-safety concerns arise after the initial hearing or between scheduled hearings.

CHANGES TO RULE:

859-070-0027

State Requests for Victim-Safety Modifications of Conditional Release

(1) This rule applies when the State requests the PSRB add or modify a condition of release to address victim-safety considerations for victims defined in OAR 859-010-0005. ¶

(2) A request under this rule must identify a proposed condition, the reason the condition is requested, and the victim-safety consideration the condition is intended to address. The request must include enough information for the outpatient supervisor to understand what would be required to implement and supervise the proposed condition. ¶

(3) The State must submit the request to the PSRB by email and copy the client's attorney of record, and the Board. ¶

(4) Upon receipt of the request, the PSRB shall provide the request to the outpatient supervisor without unreasonable delay. The outpatient supervisor may consult the client and their attorney of record as well as the Department of Justice victim advocate as appropriate in reviewing the request. ¶

(5) Within 14 days after receiving the request from PSRB, the outpatient supervisor shall submit a written position to the Board addressing whether the proposed condition can be implemented and supervised. The outpatient supervisor may recommend different or additional language as necessary to make the condition capable of implementation and supervision. ¶

(6) Upon receipt of the outpatient supervisor's position, PSRB shall provide the position by email to the State and the client's attorney of record without unreasonable delay. ¶

(7) The State and the client, through the client's attorney of record, may each submit a written response to the outpatient supervisor's position within 14 days after PSRB provides the position. Each response must state whether the parties agree with the proposed condition or object to the proposed condition, or it may propose modified language. ¶

(8) If the State, the client, through the client's attorney of record, and the outpatient supervisor agree to the proposed condition, or to different agreed-upon language, the Executive Director may approve the agreed modification under delegated authority and authorize preparation of a modified conditional release order. ¶

(9) If agreement is not reached and the State wants to proceed with its request, the Executive Director shall refer the request to the Board for administrative review. If the State does not want to proceed, the request will be closed without further action.

Statutory/Other Authority: 161.387

Statutes/Other Implemented: 161.336