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PERMANENT ADMINISTRATIVE ORDER

PSRB 3-2026

CHAPTER 859

PSYCHIATRIC SECURITY REVIEW BOARD

FILED: 08/26/2026 12:13 PM

ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Rules for victim-safety considerations during conditional release planning, requesting modifications for victim-safety concerns.

EFFECTIVE DATE: 09/02/2026

AGENCY APPROVED DATE: 08/26/2026

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RULES:
859-070-0022, 859-070-0027

ADOPT: 859-070-0022

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

NOTICE FILED DATE: 06/29/2026

RULE SUMMARY: 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.

RULE TEXT:
(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 TITLE: State Requests for Victim-Safety Modifications of Conditional Release

NOTICE FILED DATE: 06/29/2026

RULE SUMMARY: 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.

RULE TEXT:
(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 fourteen (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 fourteen (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