

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

State of Oregon

Plaintiff

v.

Case No: _____

**ORDER FINDING
DEFENDANT HAS GAINED
FITNESS TO PROCEED**

Defendant

☐ This matter came before the Court on _____ for a hearing concerning Defendant's gaining or regaining fitness to proceed pursuant to ORS 161.367.

Defendant ☐ appeared (in person or remotely) / ☐ did not appear, represented by counsel (name/ bar number) _____.

The State appeared through (name/ bar number) _____.

Based on the Court's review and consideration of (check all that apply):

- ☐ a report from a local community mental health program (CMHP), dated _____
- ☐ a report of a certified evaluator, dated _____
- ☐ the court's inquiry and observation of Defendant at the hearing
- ☐ statements from counsel
- ☐ witness testimony from State's witnesses
- ☐ witness testimony from Defendant's witnesses
- ☐ other information: _____

☐ stipulation of parties that Defendant is fit to proceed

THE COURT FINDS:

1. The Court previously found Defendant unfit to proceed.
2. Defendant has gained fitness to proceed.

THE COURT ORDERS (check all that apply):

- ☐ Defendant's discharge and commitment to OSH will be terminated upon transport after notice from OSH that Defendant is ready for discharge. Transport to be provided as follows:
 - ☐ sheriff's office in _____ County to return Defendant to custody for Court to determine the next action
 - ☐ CMHP in _____ County to transport Defendant to _____
 - ☐ other: _____
- ☐ requirement for Defendant to engage in community restoration services is terminated
- ☐ criminal proceedings against Defendant to resume

NOTICE OF FIREARMS PROHIBITION

The court previously found that Defendant is not able to move forward with their criminal case due to a qualifying mental disorder. As a result, federal law prohibits Defendant from having or buying firearms (guns or ammunition). The Oregon Judicial Department reports the prohibition on Defendant from buying firearms and ammunition to the Oregon State Police.

☐ Future hearing(s) on this case are set for *(date/time/location)*:

<input type="checkbox"/> Prepared by the Court	<input type="checkbox"/> Submitted by attorney for: <input type="checkbox"/> Defendant <input type="checkbox"/> State

	Printed Name

	Signature

	OSB #

Judge Signature:
