

OREGON COURT OF APPEALS

State v. O. R.

350 Or. App. 230 (2026) · No. A188832 · Decided June 3, 2026

SUMMARY

The Oregon Court of Appeals held that a circuit court lacked statutory authority to issue a firearm-prohibition order in a mental-health recommitment proceeding. The court reversed the September 12, 2025 firearm-prohibition order and otherwise affirmed the supplemental judgment recommitting the appellant for up to 180 days.

CASE DETAILS

COURT	Oregon Court of Appeals
WRITING FOR THE COURT	Egan, J.; Lagesen, Chief Judge; Egan, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	June 3, 2026
DOCKET	A188832
DISPOSITION	other
PROCEDURAL POSTURE	O. R. appealed a supplemental judgment recommitting her to the custody of the Oregon Health Authority for up to 180 additional days and an order prohibiting her from purchasing or possessing firearms.
STANDARD OF REVIEW	Statutory interpretation; the court accepted the State's concession regarding the lack of statutory authority.
PRECEDENTIAL VALUE	Published Oregon Court of Appeals opinion
PARTIES	O. R. v. State of Oregon

TOPICS

- health law
- statutory interpretation
- appellate procedure
- preservation of error

PRACTICE AREAS

- health law
- mental health law
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether a circuit court has statutory authority under Oregon's recommitment statutes to issue a firearm-prohibition order after a recommitment hearing.
2. Whether preservation of the challenge should be excused when the appellant had no notice of or opportunity to object to the firearm-prohibition order.

HOLDINGS

1. The statutory scheme for recommitment, ORS 426.307(6), does not authorize a circuit court to enter a firearm-prohibition order. The firearm-prohibition order entered after O. R.'s recommitment hearing therefore lacked statutory authorization and was reversed.
2. The court accepted the State's concession that preservation should be excused because O. R. had no notice of or opportunity to object to the firearm-prohibition order.

KEY QUOTATIONS

“The state also concedes that, unlike the statutory scheme for initial commitments, the statutory mechanism for recommitment does not authorize a circuit court to issue a firearm-prohibition order.” (350 Or. App. at 231)

“The firearm prohibition entered following appellant’s recommitment, however, lacked statutory authorization and is reversed.” (350 Or. App. at 232)

FACTUAL BACKGROUND

O. R. was initially committed in July 2025, at which time she was prohibited from purchasing or possessing firearms under ORS 426.130(2)(a)(D). Following a later recommitment hearing, the circuit court recommitted her for up to 180 days and entered a new firearm-prohibition order. The initial firearm prohibition remained in effect, subject to statutory relief, but the later order was entered during recommitment proceedings.

PROCEDURAL HISTORY

The Deschutes County Circuit Court entered a September 2025 supplemental judgment recommitting O. R. and a firearm-prohibition order. On appeal, O. R. argued that the circuit court lacked statutory authority to issue a firearm-prohibition order in recommitment proceedings. The State agreed that preservation should be excused and conceded that the recommitment statute did not authorize the order.

DISPOSITION

other

OPINION

State v. O. R. 350 Or. App. 230

PER CURIAM.

230 June 3, 2026 No. 482

IN THE COURT OF APPEALS OF THE

STATE OF OREGON

In the Matter of O. R., a Person Alleged to have Mental Illness.

STATE OF OREGON,

Respondent, v. O. R., Appellant. Deschutes County Circuit Court

25CC03891; A188832

Owyhee Weikel-Magden, Judge pro tempore. Submitted April 10, 2026. Christopher J. O'Connor and Multnomah Defenders, Inc., filed the brief for appellant. Dan Rayfield, Attorney General, Paul L. Smith, Solicitor General, and Adam Holbrook, Assistant Attorney General, filed the brief for respondent. Before Lagesen, Chief Judge, and Egan, Judge.* EGAN, J. Order dated September 12, 2025, prohibiting purchase or possession of firearms reversed; otherwise affirmed.

_____ * Determined by a two-judge department as authorized by ORS 2.570(2)(b). Cite as 350 Or App 230 (2026) 231 EGAN, J. Appellant appeals from a supplemental judgment recommitting her to the custody of the Oregon Health Authority for an additional period not to exceed 180 days, and an order prohibiting the purchase or possession of firearms, entered in September of 2025. Appellant contends that the court erred in ordering the firearm prohibition on the basis that circuit courts lack the statutory authority to issue firearm prohibition orders in recommitment proceedings. The state agrees that preservation should be excused because petitioner had no notice of or opportunity to object to the order. The state also concedes that, unlike the statutory scheme for initial commitments, the statutory mechanism for recommitment does not authorize a circuit court to issue a firearm-prohibition order. We accept the concession and reverse the firearm-prohibition order. As relevant here, once commitment proceedings are initiated under ORS 426.070, and following a hearing, if the court determines by clear and convincing evidence that a person has a mental illness and is in need of treatment, it “[s]hall order that the person be prohibited from purchasing or possessing a firearm if * * * there is a reasonable likelihood the person is a danger to self or others, or to the community at large, as a result of the person’s mental or psychological state * * *.” ORS 426.130(2)(a)(D).¹ Following a recommitment hearing, by contrast, ORS 426.307(6) empowers the court to “order commitment to the authority for an additional indefinite period of time up to 180 days” upon determining that “the individual is still a person with mental illness by clear and convincing evidence and is in need of further treatment” but does not include a provision authorizing the court to enter a firearm-prohibition order. Appellant was prohibited from purchasing or possessing firearms at the time of her initial commitment, in July of 2025; that order remains in effect until appellant obtains relief from the prohibition, as provided in ORS 426.130(5) (once a firearm prohibition order is entered pursuant to ORS 426.130(2)(a)(D), it remains in effect unless the person ¹ ORS 426.070 and ORS 426.130 have been amended since appellant’s commitment proceedings; however, since the amendments do not affect our analysis, we refer to the current version of the statute in this opinion. ²³² State v. O. R. obtains relief from the prohibition from the Psychiatric Review Board or under federal law). The firearm prohibition entered following appellant’s recommitment,

however, lacked statutory authorization and is reversed. Order dated September 12, 2025, prohibiting purchase or possession of firearms reversed; otherwise affirmed.

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