

OREGON COURT OF APPEALS

State v. G. C.-M.

350 Or. App. 404 (2026) · No. A188452; No. 516 · Decided June 10, 2026

SUMMARY

The Oregon Court of Appeals reviewed a civil commitment judgment and related firearm prohibition involving a person alleged to have mental illness. The court held that the trial court lacked authority to order the sheriff to seize and dispose of the appellant’s firearms and erred by failing to provide the statutory firearm notice required by ORS 426.130(4). The court also found plain error in the trial court’s description of court-ordered outpatient commitment as a possible result, but declined to reverse on that basis; it modified the firearm order, vacated the judgment, and remanded.

CASE DETAILS

COURT	Oregon Court of Appeals
WRITING FOR THE COURT	Aoyagi, Presiding Judge; Egan, Judge; Pagán, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	June 10, 2026
DOCKET	A188452; No. 516
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appellant appealed a general judgment of civil commitment and an accompanying order prohibiting the purchase or possession of firearms.
STANDARD OF REVIEW	Errors of law under the court's regular appellate standard; preservation was excused for the post-judgment notice error and the firearms-order error because appellant lacked a meaningful opportunity to object. The unpreserved prehearing-advice claims were reviewed for plain error under ORAP 5.45(1).
PRECEDENTIAL VALUE	Published and precedential
PARTIES	G. C.-M. v. State of Oregon

TOPICS

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

PRACTICE AREAS

civil commitment

mental health law

firearms law

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court had legal authority under ORS 426.130(1)(a)(D) to order the sheriff to seize and dispose of firearms owned or possessed by a person subject to civil commitment.
2. Whether the trial court erred by failing to provide the firearm-prohibition notice required by ORS 426.130(4), and what remedy was appropriate.
3. Whether the trial court plainly erred under ORS 426.100(1)(c) by failing to advise appellant that the sheriff could seize and dispose of his firearms as a possible result of the proceeding.
4. Whether the trial court plainly erred under ORS 426.100(1)(c) by advising appellant that the court could order a person found mentally ill to participate in outpatient commitment, and whether that error warranted reversal of the commitment.

HOLDINGS

1. A trial court lacks legal authority to order the county sheriff to seize and dispose of all firearms owned or possessed by a person subject to a civil commitment under ORS 426.130(1)(a)(D). The challenged seizure-and-disposal provision was unlawful and had to be stricken from the firearms order.
2. When the statutory conditions are met, the trial court must notify the committed person that the person is prohibited from purchasing or possessing a firearm under state and federal law unless relief is obtained under ORS 166.273 or federal law. Failure to provide that notice is reversible error as to the judgment, but it does not require reversal of the underlying commitment.
3. The trial court did not plainly err by failing to advise appellant that seizure and disposal of his firearms was a possible result of the proceeding because such an order was not legally authorized and therefore was not a possible result.
4. The trial court plainly erred by advising appellant that, if found mentally ill, the court could order him to participate in outpatient commitment. The court nevertheless declined to exercise its discretion to correct that plain error by reversing the commitment.

KEY QUOTATIONS

“On the merits, the firearms order does not identify any source of authority for the order to the sheriff, and we have previously held that such an order is not authorized by law.” (350 Or. App. at 407)

“At a minimum, the notice should have been included in the judgment.” (350 Or. App. at 409)

“It was plainly erroneous for the court to advise appellant that the court could order appellant to participate in outpatient commitment in the event that it found him to be mentally ill.” (350 Or. App. at 413)

“Vacated and remanded.” (350 Or. App. at 414)

FACTUAL BACKGROUND

The trial court found appellant to be a person with mental illness who constituted a danger to others and committed him to the Oregon Health Authority for up to 180 days. It entered a firearms order under ORS 426.130(1)(a)(D) prohibiting appellant from purchasing or possessing firearms and ammunition, but the order also directed the sheriff to seize and dispose of all firearms owned or possessed by appellant. The court did not provide appellant the specific firearm-prohibition notice required by ORS 426.130(4). Before the hearing, the court advised appellant of the possible results of the proceeding but incorrectly stated that the court could order a mentally ill person to participate in outpatient commitment.

PROCEDURAL HISTORY

Following a civil commitment hearing, the Marion County Circuit Court found appellant to be a danger to others as a result of mental illness and committed him to the custody of the Oregon Health Authority for up to 180 days. The court also entered an order prohibiting appellant from purchasing or possessing firearms and directed the sheriff to seize and dispose of firearms owned or possessed by appellant. Appellant appealed, raising four assignments of error. The Oregon Court of Appeals modified the firearms order, vacated the general judgment, and remanded for entry of an amended firearms order and a judgment containing the required firearm-prohibition notice.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must enter an amended firearms order striking the provision ordering the sheriff to seize and dispose of all firearms currently owned or possessed by appellant and deliver a copy of the amended order to the county sheriff under ORS 426.130(1)(a)(D). The court must also enter a judgment containing the notice that appellant is prohibited from purchasing or possessing a firearm under state and federal law unless he obtains relief from the Psychiatric Security Review Board under ORS 166.273 or under federal law. The modification striking the seizure-and-disposal language was effective immediately.

CASES CITED

- Peeples v. Lampert, 345 Or. 209, 220, 191 P.3d 637 (2008)
- State v. E. N. G., 200 Or. App. 40, 43, 113 P.3d 445 (2005)
- State v. Taylor, 323 Or. App. 422, 427 n. 3, 523 P.3d 696 (2022)
- State v. J. R. S., 328 Or. App. 733, 737, 539 P.3d 341 (2023)
- State v. Wyatt, 331 Or. 335, 341, 15 P.3d 22 (2000)
- State v. Vanorum, 354 Or. 614, 629, 317 P.3d 889 (2013)
- State v. Gornick, 340 Or. 160, 167, 130 P.3d 780 (2006)
- State v. S. J. F., 247 Or. App. 321, 326, 269 P.3d 83 (2011)
- State v. J. R. B., 290 Or. App. 858, 859-860, 418 P.3d 38 (2018)
- State v. M. M., 288 Or. App. 111, 112, 405 P.3d 192 (2017)

- State v. M. T., 244 Or. App. 299, 301, 258 P.3d 1288 (2011)

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