

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 4 - 0 - 1
Yeas: Beyer, Kruse, Prozanski, Burdick
Nays: 0
Exc.: Walker
Prepared By: Bill Taylor, Counsel
Meeting Dates: 5/3

WHAT THE MEASURE DOES: Allows the public defense services executive director to pay for the circuit court trial transcript after a court has determined the defendant qualifies for a court-appointed attorney without having to go through the verification of indigency process again. Allows the public defense services to pay for the transcript if someone has not applied for court-appointed counsel if the person submits financial statements showing that the person is indigent.

ISSUES DISCUSSED:

- Awarding of expenses
- Elimination of duplication

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Under both the United States Constitution and the Oregon Constitution, those charged with a crime that carries the possibility of incarceration (the loss of liberty), have a right to an attorney at state expense if the person cannot afford to pay for an attorney. Not only does an indigent person have a right to appointed counsel, he or she has a right to competent counsel. The right to counsel also applies to the appellate process.

In order to give adequate representation on an appeal, the appellate attorney must review the transcript of the circuit court proceedings. Currently, an indigent person must request in writing, separate and apart from the process for appointment of counsel, that the public defense services executive director pay for the trial transcript. The written request must contain all the same information that the person had to provide for appointment of counsel.