

**FISCAL IMPACT OF PROPOSED LEGISLATION**

79th Oregon Legislative Assembly – 2017 Regular Session  
Legislative Fiscal Office

**Measure: HB 2561 - A**

*Only Impacts on Original or Engrossed Versions are Considered Official*

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Reviewed by: Steve Bender  
Date: 3-20-2017

**Measure Description:**

Directs Public Defense Services Commission to adopt policies providing for compensation of appointed counsel at rate commensurate with compensation of equivalent position within office of district attorney.

**Government Unit(s) Affected:**

Public Defense Services Commission

**Summary of Expenditure Impact:**

<b>Agency -- Fund Type</b>	<b>2017-2019 Biennium</b>	<b>2019-2021 Biennium</b>
PDSC Compensation of Counsel -- General Fund	\$19,769,176	\$26,358,901
PDSC Contract Analyst -- General Fund	\$132,935	\$132,935
Position / FTE	1 / 0.50	1 / 0.50

**Analysis:**

The measure directs the Public Defense Services Commission (PDSC) to adopt policies requiring appointed counsel to be compensated at a rate commensurate with the compensation of an assistant or deputy district attorney with equivalent experience, practicing in the same county as appointed counsel's primary practice. Currently, most public defense providers are compensated with a flat-fee for each case, contingent upon the type of case and severity of the offense.

PDSC will be entering into new contracts on January 1, 2018 for public defense providers. PDSC anticipates the increased costs for parity of attorneys under contract will be \$19,769,176 General Fund for 18 months of the 2017-19 biennium, with rollup costs of \$26,358,901 General Fund for the 2019-21 biennium.

This estimate does not include compensation parity for non-attorney staff also under contract. The measure prohibits PDSC from entering into a public defense contract that does not also provide for commensurate wages for the non-attorney staff compared to equivalent staff employed by the district attorney within the same county.

The fiscal impact to PDSC for non-attorney staff compensation is indeterminate. PDSC notes that there are over 100 public defense contracts statewide, and the Commission does not have district attorney information on compensation or staff duties for every county. PDSC anticipates the need to hire a part-time contract analyst (0.50 FTE) at a cost of \$132,935 General Fund to compile and compare wage and position data for each district attorney office, as well as maintain this data in an ongoing basis.

The Legislative Fiscal Office believes this measure warrants a subsequent referral to the Joint Committee on Ways and Means Committee for consideration of this measure's budgetary impact on the State's General Fund.