

HB 3164 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/20, 3/28

WHAT THE MEASURE DOES:

Instructs the Public Defense Services Commission (PDSC) to distribute money to the Metropolitan Public Defender Services to establish and administer a two-year pilot program for civil legal services including housing, family law, public benefits, financial obligations, consumer debt and expungement to persons charged with criminal offenses. Requires Metropolitan Public Defender Services to collect specific data that it must provide to PDSC. Requires PDSC to review the data and prepare a report for the interim committees of the Legislative Assembly on or before September 15, 2021. Appropriates funding to PDSC for the pilot program.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces the measure. Instructs the Office of Public Defense Services (OPDS) to distribute money to the Metropolitan Public Defender Services to establish and administer a two-year pilot program for civil legal services including housing, family law, public benefits, financial obligations, consumer debt and expungement to persons charged with criminal offenses. Requires Metropolitan Public Defender Services to collect specific data that it must provide to OPDS. Requires OPDS to assist in data collection and review the data and prepare a report for the Legislative Assembly on or before September 15, 2021. Appropriates \$550,000 funding to OPFD for the pilot program. Repeals the measure on January 2, 2022. Declares emergency; effective on passage.

BACKGROUND:

In recent years, holistic public defense has arisen as a national best practice. This practice model is based on a belief the most effective form of criminal defense representation addresses not just the criminal case but also the collateral consequences of criminal justice involvement (including employment, public housing, custody of one's children, and immigration status), and any underlying issues that may have driven the defendant into the criminal justice system. To meet those objectives, holistic defense is provided by a team that includes criminal defense lawyers and their related support staff working in addition to lawyers who have expertise in civil, family, and immigration law, and when appropriate social workers and nonlawyer advocates.

Currently, Metropolitan Public Defender Services, the largest public defender non-profit in Oregon, hosts a small Community Law Division. That program serves past and current clients of the Metropolitan Public Defender Services Criminal Division and clients of established community partners. The program has three key focuses: the veteran's project, record clearing, and immigration defense. When appropriate, it also assists clients with issues related to family law and protective orders, housing and homelessness, public benefits, and guardianship.

House Bill 3164 creates a two year pilot program to address the civil legal needs of the defendants Metropolitan Public Defender Services represents including housing, family law, public benefits, financial obligations, consumer debt and expungement and to collect data on the effects of these services.