

B-Engrossed
House Bill 3145

Ordered by the House June 21
Including House Amendments dated April 22 and June 21

Sponsored by COMMITTEE ON JUDICIARY (at the request of Representative Jennifer Williamson)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Defines terms related to provision of public defense services.]

[Moves Public Defense Services Commission from judicial to executive branch. Expands membership of commission from seven to 11 members. Modifies appointing authorities and qualifications of members. Modifies manner in which member may be removed.]

[Directs commission to establish Office of Public Defense Services with trial division in addition to appellate division. Modifies certain policies and procedures commission is required to adopt, including policies concerning contracting and oversight. Requires commission to adopt caseload standards and statewide workload plan. Prohibits commission from approving contract authorizing flat fee compensation structure.]

[Modifies duties of executive director of Office of Public Defense Services. Directs executive director to develop certain policies and standards for provision of public defense services including performance metrics, quality assurance standards and training requirements. Establishes requirements for contracts for provision of public defense services. Specifies contents of report by executive director to commission and Legislative Assembly.]

Establishes Task Force on *[Municipal Court]* Public Defense to examine and make recommendations concerning provision of public defense services *[in municipal and justice court proceedings]*. Directs task force to submit **progress** report with **initial** recommendations to interim committees of Legislative Assembly related to judiciary, **and to subcommittee of Joint Committee on Ways and Means with authority over budget of Public Defense Services Commission**, no later than *[September 15, 2021]* **February 1, 2020**. Directs task force to submit **final report with recommendations and implementation plan to committees no later than December 31, 2020**.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Public Defense Services Commission; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The Task Force on Public Defense is established to review requirements**
5 **and best practices related to the delivery and oversight of public defense services and make**
6 **recommendations to the Legislative Assembly for achieving effective public defense counsel**
7 **in every courthouse in Oregon.**

8 **(2) The task force consists of 17 members who must be from geographically diverse areas**
9 **and represent culturally diverse communities, appointed as follows:**

10 **(a) The President of the Senate shall appoint two members from among members of the**
11 **Senate.**

12 **(b) The Speaker of the House of Representatives shall appoint two members from among**
13 **members of the House of Representatives.**

14 **(c) The Governor shall appoint seven members as follows:**

15 **(A) Two persons with experience working as public defense attorneys at a nonprofit**
16 **public defense office.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (B) One person with experience working as a public defense attorney at a for-profit public
2 defense office.

3 (C) One person with experience administering a public defense consortium.

4 (D) Two persons with experience representing juveniles, parents and children in juvenile
5 delinquency and dependency cases.

6 (E) One person representing the Governor's office.

7 (d) The Chief Justice of the Supreme Court shall appoint six members as follows:

8 (A) One trial court judge with experience in criminal and juvenile law.

9 (B) One person with experience as a court administrator.

10 (C) One person who is a member of the Public Defense Services Commission.

11 (D) One person representing the office of public defense services established under ORS
12 151.216.

13 (E) One person representing a civil liberties, civil rights or criminal justice organization.

14 (F) One person representing a civil legal services provider for low-income Oregonians.

15 (3) The task force shall:

16 (a) Review statutes and case law related to the provision of public defense services;

17 (b) Review peer-reviewed literature and policy studies related to public defense delivery
18 systems to identify best practices that meet the unique needs of Oregon;

19 (c) Review the outcomes of existing public defense models used locally and in other
20 states; and

21 (d) Recommend changes to the existing system of public defense services in Oregon with
22 the aim of providing effective public defense counsel statewide and strengthening quality
23 assurance and financial accountability systems for public defense providers.

24 (4)(a) The task force shall submit the following reports with its findings and recommen-
25 dations, in the manner provided by ORS 192.245, to the interim committees of the Legislative
26 Assembly related to the judiciary and to the interim subcommittee of the Joint Committee
27 on Ways and Means with authority over the budget of the Public Defense Services Commis-
28 sion:

29 (A) No later than February 1, 2020, a progress report detailing the work undertaken by
30 the task force to date and any initial recommendations related to caseload standards and
31 reporting requirements; and

32 (B) No later than December 31, 2020, a final report addressing:

33 (i) Whether a different public defense services delivery model is needed in Oregon to
34 achieve effective public defense counsel statewide;

35 (ii) If the task force determines that a different public defense services delivery model
36 is needed in Oregon, the delivery model that the task force recommends to meet the unique
37 needs of Oregon; and

38 (iii) If the task force determines that a different public defense services delivery model
39 is not needed in Oregon, the changes that can be made to the existing delivery model to
40 improve quality and oversight.

41 (b) The final report described in paragraph (a)(B) of this subsection shall include a high-
42 level, multiyear plan, formulated in partnership with the Public Defense Services Commission
43 and the office of public defense services, to implement all the recommendations offered by
44 the task force under paragraph (a) of this subsection and subsection (3) of this section.

45 (5) A majority of the voting members of the task force constitutes a quorum for the

1 **transaction of business.**

2 **(6) Official action by the task force requires the approval of a majority of the voting**
3 **members of the task force.**

4 **(7) The task force shall elect one of its members to serve as chairperson.**

5 **(8) If there is a vacancy for any cause, the appointing authority shall make an appoint-**
6 **ment to become immediately effective.**

7 **(9) The task force shall meet at times and places specified by the call of the chairperson**
8 **or of a majority of the voting members of the task force.**

9 **(10) The task force may adopt rules necessary for the operation of the task force.**

10 **(11) The Legislative Policy and Research Director shall provide staff support to the task**
11 **force.**

12 **(12) Members of the Legislative Assembly appointed to the task force are nonvoting**
13 **members of the task force and may act in an advisory capacity only.**

14 **(13) Members of the task force who are not members of the Legislative Assembly are not**
15 **entitled to compensation, but may be reimbursed for actual and necessary travel and other**
16 **expenses incurred by them in the performance of their actual duties and in the manner and**
17 **amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions**
18 **of the task force shall be paid out of funds appropriated to the Governor for purposes of the**
19 **task force.**

20 **(14) All agencies of state government, as defined in ORS 174.111, are directed to assist**
21 **the task force in the performance of the duties of the task force and, to the extent permitted**
22 **by laws relating to confidentiality, to furnish information and advice the members of the task**
23 **force consider necessary to perform their duties.**

24 **SECTION 2. Section 1 of this 2019 Act is repealed on February 1, 2021.**

25 **SECTION 3. This 2019 Act being necessary for the immediate preservation of the public**
26 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
27 **on its passage.**

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