

Requested by Representative WILLIAMSON

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3145**

1 On page 1 of the printed A-engrossed bill, line 2, after “Commission;”
2 delete the rest of the line and delete lines 3 through 5 and insert “and de-
3 claring an emergency.”.

4 Delete lines 7 through 16 and delete pages 2 through 30 and insert:

5 **“SECTION 1. (1) The Task Force on Public Defense is established**
6 **to develop a plan to implement the recommendations from the Janu-**
7 **ary 2019 report, The Right to Counsel in Oregon, by the Sixth**
8 **Amendment Center.**

9 **“(2) The task force consists of 17 members who must be from ge-**
10 **ographically diverse areas and represent culturally diverse communi-**
11 **ties, appointed as follows:**

12 **“(a) The President of the Senate shall appoint two members from**
13 **among members of the Senate.**

14 **“(b) The Speaker of the House of Representatives shall appoint two**
15 **members from among members of the House of Representatives.**

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

17 **“(A) Two persons with experience working as public defense attor-**
18 **neys at a nonprofit public defense office.**

19 **“(B) One person with experience working as a public defense attor-**
20 **ney at a for-profit public defense office.**

21 **“(C) One person with experience administering a public defense**

1 **consortium.**

2 **“(D) Two persons with experience representing juveniles, parents**
3 **and children in juvenile delinquency and dependency cases.**

4 **“(E) One person representing the Governor’s office.**

5 **“(d) The Chief Justice of the Supreme Court shall appoint six**
6 **members as follows:**

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

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

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

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

14 **“(E) One person representing a civil liberties, civil rights or crimi-**
15 **nal justice organization.**

16 **“(F) One person representing a civil legal services provider for**
17 **low-income Oregonians.**

18 **“(3) The task force shall:**

19 **“(a) Assess the composition and independence of the Public Defense**
20 **Services Commission, the location in state government in which the**
21 **commission is currently situated, and the composition, independence**
22 **and location in state government of comparable entities in other**
23 **states;**

24 **“(b) Review statutes and case law related to the provision of public**
25 **defense services in accordance with the Oregon and United States**
26 **Constitutions;**

27 **“(c) Review the January 2019 report entitled The Right to Counsel**
28 **in Oregon by the Sixth Amendment Center, any public defense**
29 **caseload standards study by the American Bar Association specific to**
30 **Oregon, other national public defense caseload standards, and national**

1 best practices for providing, administering and overseeing the pro-
2 vision of public defense services to qualifying individuals;

3 “(d) Review current public defense performance standards, per-
4 formance metrics, caseloads, workloads, contract costs, rules of pro-
5 fessional conduct and attorney compensation;

6 “(e) Examine whether models of holistic public defense are being
7 implemented and whether they promote better outcomes;

8 “(f) Conduct surveys of:

9 “(A) Each county in this state to identify models of public defense
10 representation, outcomes resulting from each model and effective
11 public defense practices; and

12 “(B) Other states to identify models of effective public defense rep-
13 resentation and contracting, providing and funding public defense
14 services;

15 “(g) Identify obstacles in each county to providing effective public
16 defense services;

17 “(h) Examine ways to create and ensure statewide consistency in
18 public defense practices;

19 “(i) Examine external factors that affect public defense caseloads,
20 including changes in law, discovery practices and charging practices;

21 “(j) Assess the feasibility of state public defense offices; and

22 “(k) Survey public defense practices in municipal courts statewide.

23 “(4) The task force shall submit a report, with the recommendations
24 of the task force and proposed legislative changes, in the manner
25 provided by ORS 192.245, to the interim committees of the Legislative
26 Assembly related to the judiciary no later than February 1, 2020. The
27 report must include:

28 “(a) A recommendation as to the composition and independence of
29 the Public Defense Services Commission and the location in state
30 government in which the commission should be situated.

1 **“(b) A multiyear implementation plan for a constitutional public**
2 **defense system, including:**

3 **“(A) A model for delivering public defense services that ensures the**
4 **system is in conformance with constitutional requirements and allows**
5 **the public defense attorneys to provide constitutional representation.**

6 **“(B) Recommendations of performance metrics and outcome meas-**
7 **ures to be used to determine public defense provider effectiveness.**

8 **“(C) A system for oversight and supervision of public defense pro-**
9 **viders.**

10 **“(D) Recommendations concerning reasonable caseload standards**
11 **and workload limits that adequately account for the work required to**
12 **provide competent public defense services.**

13 **“(E) Recommendations as to a reasonable compensation scale, in-**
14 **cluding staff compensation and overhead support, consistent for all**
15 **public defense providers and commensurate with similar work per-**
16 **formed by employees in other state agencies.**

17 **“(F) Recommendations concerning the use of holistic public defense**
18 **practices in this state.**

19 **“(c) A plan for statewide implementation of the Parent Child Rep-**
20 **resentation Program.**

21 **“(d) Recommendations for a municipal court public defense system.**

22 **“(5) A majority of the voting members of the task force constitutes**
23 **a quorum for the transaction of business.**

24 **“(6) Official action by the task force requires the approval of a**
25 **majority of the voting members of the task force.**

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

28 **“(8) If there is a vacancy for any cause, the appointing authority**
29 **shall make an appointment to become immediately effective.**

30 **“(9) The task force shall meet at times and places specified by the**

1 call of the chairperson or of a majority of the voting members of the
2 task force.

3 “(10) The task force may adopt rules necessary for the operation
4 of the task force.

5 “(11) The Legislative Policy and Research Director shall provide
6 staff support to the task force.

7 “(12) Members of the Legislative Assembly appointed to the task
8 force are nonvoting members of the task force and may act in an ad-
9 visory capacity only.

10 “(13) Members of the task force who are not members of the Leg-
11 islative Assembly are not entitled to compensation, but may be reim-
12 bursed for actual and necessary travel and other expenses incurred by
13 them in the performance of their actual duties and in the manner and
14 amounts provided for in ORS 292.495. Claims for expenses incurred in
15 performing functions of the task force shall be paid out of funds ap-
16 propriated to the Governor for purposes of the task force.

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

22 “SECTION 2. Section 1 of this 2019 Act is repealed on February 1,
23 2021.

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

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