

HB 4007-1  
(LC 100)  
2/8/22 (MNJ/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Janelle Bynum)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4007**

1 In line 2 of the printed bill, after “courts” insert “; and declaring an  
2 emergency”.

3 After line 2, insert:

4 “Whereas Oregon has an inadequate number of public defenders; and

5 “Whereas Oregon needs 1,296 more attorneys to provide effective assist-  
6 ance of counsel; and

7 “Whereas public defenders provide counsel in adult criminal, juvenile  
8 delinquency, juvenile dependency, post-conviction relief, habeas, civil com-  
9 mitment and protective proceedings, as required by Oregon statutes, the  
10 Oregon Constitution or the United States Constitution; and

11 “Whereas Oregon is the only state that provides trial-level counsel only  
12 through private contract; and

13 “Whereas a long-term solution will take time, but the need for additional  
14 attorneys is immediate; and

15 “Whereas many attorneys have high student loan debts that make it fi-  
16 nancially impractical to become public defenders; and

17 “Whereas a large number of public defense providers in Oregon are not  
18 eligible for federal student loan forgiveness because they do not meet eligi-  
19 bility criteria; now, therefore,”.

20 Delete lines 4 through 7 and insert:

21 **“SECTION 1. The Public Defense Services Student Loan Repayment**

1 Assistance Fund is established in the State Treasury, separate and  
2 distinct from the General Fund.

3 “(2) Interest earned by the Public Defense Services Student Loan  
4 Repayment Assistance Fund shall be credited to the fund.

5 “(3) Moneys in the fund are continuously appropriated to the Judi-  
6 cial Department for the purpose of disbursement to the Oregon State  
7 Bar for use by the Public Defense Services Student Loan Repayment  
8 Assistance Program established in section 2 of this 2022 Act for ser-  
9 vices designed to increase access to the justice system by incentivizing  
10 attorneys to practice as public defense attorneys.

11 “(4) The department may use moneys in the fund to pay the  
12 department’s and the Oregon State Bar’s administrative costs associ-  
13 ated with the fund and with carrying out the provisions of sections 2  
14 and 3 of this 2022 Act.

15 “SECTION 2. (1)(a) As used in this section, ‘public defense  
16 attorney’ means an attorney appointed to perform legal services for  
17 financially eligible individuals as required by Oregon statutes, the  
18 Oregon Constitution or the United States Constitution.

19 “(b) A ‘public defense attorney’ may be appointed by the court,  
20 employed by the state, provide public defense services through a con-  
21 tract with the attorney or with a consortium of attorneys or provide  
22 services through an advocacy organization.

23 “(c) A ‘public defense attorney’ may provide services for profit or  
24 not for profit.

25 “(2) The Public Defense Services Loan Repayment Assistance Pro-  
26 gram is established in the Oregon State Bar.

27 “(3) The program shall reimburse an eligible public defense attorney  
28 for up to \$25,000 in payments of principal and interest on public or  
29 private student loans for each 12 months of service as a public defense  
30 attorney. The program may reimburse a public defense attorney up to

1 a total of \$200,000.

2 “(4) A public defense attorney is eligible for the program if:

3 “(a) The attorney’s practice is at least 50 percent public defense  
4 services.

5 “(b) The attorney commits to provide public defense services for a  
6 period of 12 months.

7 “(c) The attorney meets other requirements established by the  
8 Oregon State Bar under subsection (5) of this section.

9 “(5) The Oregon State Bar shall adopt rules for administration of  
10 the program, including eligibility and application requirements. The  
11 rules may provide for partial reimbursement of student loan payments  
12 based on the number of hours of public defense services performed.

13 **“SECTION 3.** No later than August 31 of each year, the Oregon  
14 State Bar shall report on the Public Defense Services Loan Repayment  
15 Assistance Program to a committee or interim committee of the Leg-  
16 islative Assembly related to the judiciary. The report must include:

17 “(1) The number of attorneys who entered the program, and the  
18 month and year of entry.

19 “(2) The amount of public defense services, in hours, performed by  
20 participants.

21 “(3) The average amount of loan repayment provided to a partic-  
22 ipant.

23 “(4) The total amount of loan repayment assistance provided.

24 “(5) The number of attorneys who participated in the program in  
25 each county.

26 “(6) The number of cases and the case types in which public defense  
27 services were provided, disaggregated by anonymous participation.

28 “(7) The number of attorneys who report that participation in the  
29 program is a substantial factor in deciding to perform public defense  
30 services.

1       **“(8) The average amount of outstanding student loan debt for each**  
2 **participant.**

3       **“(9) The amount remaining in the Public Defense Services Student**  
4 **Loan Repayment Assistance Fund.**

5       **“(10) Other information that is useful in evaluating the program.**

6       **“SECTION 4. The Oregon State Bar shall make the first report un-**  
7 **der section 3 of this 2022 Act no later than August 31, 2023.**

8       **“SECTION 5. Section 6 of this 2022 Act is added to and made a part**  
9 **of ORS chapter 316.**

10       **“SECTION 6. (1) In computing Oregon taxable income for purposes**  
11 **of this chapter, there shall be subtracted from federal taxable income**  
12 **an amount equal to loan repayment assistance paid to the taxpayer**  
13 **under section 2 of this 2022 Act if the individual to whom the assist-**  
14 **ance was paid is listed on the return.**

15       **“(2) The amount of subtraction allowed under subsection (1) of this**  
16 **section shall be reduced by any deduction allowed for the same**  
17 **amounts to the taxpayer or any other taxpayer listed on the return for**  
18 **the tax year under section 221 of the Internal Revenue Code.**

19       **“SECTION 7. In addition to and not in lieu of any other appropri-**  
20 **ation, there is appropriated to the Judicial Department, for the**  
21 **biennium ending June 30, 2023, out of the General Fund, the amount**  
22 **of \$25,000,000, which shall be deposited in the Public Defense Services**  
23 **Student Loan Repayment Assistance Fund established in section 1 of**  
24 **this 2022 Act.**

25       **“SECTION 8. This 2022 Act being necessary for the immediate**  
26 **preservation of the public peace, health and safety, an emergency is**  
27 **declared to exist, and this 2022 Act takes effect on its passage.”.**

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