

HB 4007-5  
(LC 100)  
2/11/22 (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 prescribing an  
2 effective date”.

3 After line 2, insert:

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

5 “Whereas Oregon needs at least 1,296 more attorneys to provide effective  
6 assistance 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 provides trial-level counsel only through private con-  
12 tract; 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. (1) As used in this section, ‘public defense attorney’**

1 means an attorney:

2 “(a) Who is appointed to represent eligible individuals as required  
3 by Oregon statutes, the Oregon Constitution or the United States  
4 Constitution;

5 “(b) Whose legal work is funded by the office of public defense ser-  
6 vices; and

7 “(c) Who meets any further definition of ‘public defense attorney’  
8 set forth by the Oregon State Bar.

9 “(2) The Public Defense Services Student Loan Repayment Assist-  
10 ance Program is established in the Oregon State Bar.

11 “(3) The program shall provide forgivable loans to an eligible public  
12 defense attorney for up to \$25,000 in payments of principal and interest  
13 on outstanding public or private student loans for each 12 months of  
14 service as a public defense attorney. The program may provide  
15 forgivable loans to a public defense attorney up to a total of \$200,000.

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

17 “(a) The attorney resides in this state;

18 “(b) The attorney practices public defense services in this state full  
19 time or part time, as defined by the Oregon State Bar, while partic-  
20 ipating in the program;

21 “(c) The attorney commits to provide public defense services for a  
22 period of three years; and

23 “(d) The attorney meets other requirements established by the  
24 Oregon State Bar under subsection (5) of this section.

25 “(5) The Oregon State Bar shall adopt policies for administration  
26 of the program, including eligibility and application requirements. The  
27 policies may provide that amounts of forgivable loans for student loan  
28 payments be based on the amount of the attorney’s practice that is  
29 providing public defense services.

30 **“SECTION 2.** No later than August 31 of each year, the Oregon

1 State Bar shall report on the Public Defense Services Student Loan  
2 Repayment Assistance Program to a committee or interim committee  
3 of the Legislative Assembly related to the judiciary. The report must  
4 include:

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

7 “(2) The average amount of forgivable loans provided to a partic-  
8 ipant.

9 “(3) The total amount of forgivable loans provided.

10 “(4) The number of attorneys who participated in the program in  
11 each county.

12 “(5) The number of clients and cases and the case types in which  
13 public defense services were provided, disaggregated by anonymous  
14 participation.

15 “(6) The number of attorneys who report that participation in the  
16 program is a substantial factor in removing economic barriers to the  
17 attorney’s ability to perform public defense services.

18 “(7) The average amount of outstanding student loan debt for each  
19 participant.

20 “(8) Other information that is useful in evaluating the program.

21 **“SECTION 3. (1) The Oregon State Bar shall start accepting appli-  
22 cations for the Public Defense Services Student Loan Repayment As-  
23 sistance Program established in section 1 of this 2022 Act no later than  
24 September 1, 2022.**

25 **“(2) The Oregon State Bar shall make the first report under section  
26 2 of this 2022 Act no later than August 31, 2023.**

27 **“SECTION 4. Section 5 of this 2022 Act is added to and made a part  
28 of ORS chapter 316.**

29 **“SECTION 5. (1) In computing Oregon taxable income for purposes  
30 of this chapter, there shall be subtracted from federal taxable income**

1 an amount equal to loan repayment assistance paid to the taxpayer  
2 under section 2 of this 2022 Act if the individual to whom the assist-  
3 ance was paid is listed on the return.

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

8 “SECTION 6. In addition to and not in lieu of any other appropri-  
9 ation, there is appropriated to the Judicial Department, for the  
10 biennium ending June 30, 2023, out of the General Fund, the amount  
11 of \$\_\_\_\_\_, which may be transferred to the Oregon State Bar for  
12 the purpose of providing forgivable loans under the Public Defense  
13 Services Student Loan Repayment Assistance Program established in  
14 section 1 of this 2022 Act. The Oregon State Bar may use up to five  
15 percent of the moneys transferred to pay the administrative costs of  
16 the program.

17 “SECTION 7. This 2022 Act takes effect on the 91st day after the  
18 date on which the 2022 regular session of the Eighty-first Legislative  
19 Assembly adjourns sine die.”.

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