

HB 2467 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/29, 4/3

WHAT THE MEASURE DOES:

Establishes the Public Defense Services Student Loan Repayment Assistance Program for services designed to increase access to the justice system by removing economic barriers for attorneys to practice as public defense. Appropriates an unspecified amount from the General Fund to the Oregon Judicial Department for the program. Limits administrative fees for the Oregon State Bar (OSB) to five percent of the funds. Directs the OSB to administer the program and adopt rules for administration of the program, including eligibility and application requirements. Requires participants to live and practice in Oregon and commit to at least three years of service as a public defender. Allows program participants to provide public defense services full or part time. Permits qualified applicants to receive up to \$25,000 per year, up to \$200,000 total, in loan repayment assistance. Requires the OSB report to a committee of the legislative assembly related to the judiciary annually on specific data points. Defines "public defense attorney." Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces the measure. Directs the Public Defense Services Commission (PDSC) to take measures designed to increase the number of public defense service providers by 20 percent by December 31, 2030. Directs PDSC to report to the Legislature during odd years. Specifies reporting requirements, related to recruitment, retention of providers in the profession. Directs PDSC to provide grants to Oregon law schools for projects designed to increase law school graduates choosing to be public defense attorneys. Requires PDSC to engage in specified recruitment efforts, to attract public defense providers to Oregon, with special dedication to providers with specific lived experience and backgrounds. Directs PDSC to offer training for public defense providers, and to issue bonuses to each public defense provider employed by the office of public defense services. Requires public defense services support staff to be paid at a rate commensurate with or above support staff at the Oregon Judicial Department. Requires compensation paid to public defense attorneys to be commensurate with or above OPDS appellate attorneys. Takes effect on the 91st day after sine die.

BACKGROUND:

Oregon uses a private contract system to fulfill constitutionally and statutorily required public legal representation for eligible individuals. A January 2022 report on a study commissioned by the Oregon Legislative Assembly concluded that Oregon is meeting only 31 percent of public representation needs, and that at least 1,296 more full-time public defense attorneys would be required to meet the need. In a February 2022 survey of Oregon public defenders conducted by the Legislative Policy and Research Office (LPRO), 61.5 percent of respondents reported working for a nonprofit organization. Metropolitan Public Defenders is the largest single public defense provider, where reported salaries ranged from \$65,000 to \$90,000 annually. Among all LPRO survey respondents, approximately half had outstanding student loan debt between \$100,000 to \$250,000. Borrowers who are on income-based repayment plans must make payments on 10-15 percent of their adjusted gross income above the federal poverty level. All private loans and certain federal loans are ineligible for the federal public student loan forgiveness program. Borrowers are also ineligible for the federal program if they do not work for a public agency or qualifying nonprofit organization.

House Bill 2467 creates the Public Defense Services Student Loan Repayment Assistance Program to remove economic barriers imposed by student loan debt on service as a public defense attorney.