

## Legislative Fiscal Office

Oregon State Capitol  
900 Court Street NE, H-178  
Salem, Oregon 97301  
503-986-1828



## Joint Committee on Ways and Means

Senator Elizabeth Steiner, Senate Co-Chair  
Representative Tawna Sanchez, House Co-Chair

Senator Fred Girod, Senate Co-Vice Chair  
Representative David Gomberg, House Co-Vice Chair  
Representative Greg Smith, House Co-Vice Chair

Amanda Beitel, Legislative Fiscal Officer  
Tom MacDonald, Deputy Legislative Fiscal Officer (Budget)  
Paul Siebert, Deputy Legislative Fiscal Officer (Audit/IT)

**To:** Public Safety Subcommittee

**From:** John Borden, Legislative Fiscal Office

**Date:** June 6, 2023

**Subject:** SB 5532 - Public Defense Services Commission  
Work Session Recommendations

### Public Defense Services Commission – Agency Totals

	2019-21 Actual	2021-23 Legislatively Approved	2023-25 Current Service Level	2023-25 LFO Recommended
General Fund	353,130,198	448,160,372	368,774,821	514,717,456
Other Funds	13,615,153	18,449,667	17,937,116	20,769,668
<b>Total Funds</b>	<b>\$366,745,351</b>	<b>466,610,039</b>	<b>\$386,711,937</b>	<b>535,487,124</b>
Positions	90	114	104	113
FTE	86.48	107.81	103.8	112.80

The Legislative Fiscal Office (LFO) recommendation for the Public Defense Services Commission is to fund the agency at \$535.5 million total funds, including \$514.7 million General Fund and \$20.8 million Other Funds, and 113 positions (112.80 FTE), which is a total funds increase of 14.8% from the 2021-23 legislatively approved budget.

The LFO Recommended budget includes new or continued investments in: (1) caseload adjustments (\$21.3 million General Fund); (2) Unrepresented Defendant/Persons Crisis (\$5.4 million General Fund); (3) Nonunanimous Jury Convictions (\$3 million General Fund); (4) limited duration to permanent positions (\$2.2 million General Fund); (5) budgetarily differentiates the reimbursement of costs of county discovery costs; among other investments and technical adjustments. There are no General Fund budget reductions.

The budget also includes the following organizational changes: (1) renames the Trial Criminal Division to the Adult Trial Division (2) establishes the Juvenile Trial Division; (3) renames Nonroutine Expenses to Preauthorized Expenses; and (4) renames the Juvenile Division to the Parent Child Representation Program.

For the 2023-25 biennium, LFO recommends that a special purpose appropriation in the amount of \$3 million General Fund be established for Adult Trial Division or Juvenile

Division caseload costs the commission is unable to mitigate during the interim legislative periods

In addition, and apart from the 2023-25 biennium recommendation, there are two recommendations to adjust the current 2021-23 biennial budget to account for unrepresented defendant/crisis expenses that will occur in the 2023-25 biennium: (a) reduce Nonroutine Expenses by \$413,560 General Fund; and (b) reduce Court Mandated Expenses by \$3,396,146 General Fund.

### **Adjustments to Current Service Level**

See attached "Work Session Presentation Report."

Note: Statewide adjustments and six-year capital construction expenditures are not included in these recommendations. Any needed adjustments will be made in end of session bills.

***Accept*** LFO Recommendation:

**MOTION: I move the LFO recommendation to SB 5532. (VOTE)**

**OR**

***Change*** LFO Recommendation:

**MOTION: I move the LFO recommendation to SB 5532, with modifications. (VOTE)**

### **Performance Measures**

See attached "Legislatively Proposed 2023-25 Key Performance Measures."

***Accept*** LFO Recommendation:

**MOTION: I move the LFO recommendation on Key Performance Measures. (VOTE)**

**OR**

***Change*** LFO Recommendation:

**MOTION: I move the LFO recommendation on Key Performance Measures, with modifications. (VOTE)**

### **Budget Notes**

#### **#1 Budget Note: Comprehensive Remediation Plan**

The Public Defense Services Commission is directed to report to the Interim Joint Committee on Ways throughout the fall of 2023, the Joint Committee on Ways and Means during the Legislative Session in 2024, and quarterly thereafter to the Legislative Emergency Board, on the Commission's restructuring and modernization efforts, including

updated caseloads, financial forecasts, and procurement activities including contract amendments and the alignment of contracting with the biennial budget process.

In addition, reporting by the Commission is to include, and be based upon, a comprehensive remediation plan adopted by the Commission and that includes the following elements: (1) Issue - identify each specific issue with a concise problem statement (2) Priority - assign each issue a priority; (3) Evidence of Concern - identify evidence supporting the existence of the issue; (4) Objective - identify what objective the agency is trying to achieve through the resolution of the issue; (5) Best Practice(s) - identify what best practices exist related to the resolution of the issue, which can be used to benchmark the options available as well as the recommended option; (6) Options to resolve the issue - identify what specific options exist to resolve the issue; (7) Recommended Option - identify which is the agency's recommended option to resolve the issue, and on what basis was the option selected; (8) Timeframe - identify the timeframe for implementing the recommended option; (9) Fiscal Impact - identify the cost of implementing the recommended option; and (10) Expected Outcome - identify what outcome is expected from the recommended option and how will it be measured.

## **#2 Budget Note: Quality Management Plan**

The Public Defense Services Commission is directed to develop a quality management plan for public defense and associated Key Performance Measures and Indicators. The Commission is directed to submit the plan prior to the Legislative Session in 2024. In addition, the Chair and the Executive Director of the Public Defense Service Commission are directed to report on existing Performance Measurements and targets.

## **#3 Budget Note: Internal Audit Function**

The Public Defense Services Commission is directed to report to the Joint Committee on Legislative Audits and the Joint Committee on Ways and Means prior to the Legislative Session in 2024 on internal audits and audits of provider contracts completed after June 30, 2021, as well as audit plans for the 2023-25 biennium. The report is to include an update on the hiring of internal audit staff and the reporting structure of internal audit staff to the Commission.

## **#4 Budget Note: Nonunanimous Jury Conviction Reporting**

The Public Defense Services Commission is instructed to report to the 2025 Legislature on the Commission's trial and appellate caseloads and costs, including a caseload projection for the 2025-27 biennium, related to nonunanimous jury convictions under the U.S. Supreme Court decision in Ramos v. Louisiana (2020) and the Oregon Supreme Court decision in Watkins v. Ackley (2022).

**Accept** LFO Recommendation:

**MOTION: I move the LFO recommendation on Budget Notes.** (VOTE)

**OR**

**Change** LFO Recommendation (any changes must be approved by the co-chairs):

**MOTION: I move the LFO recommendation on Budget Notes, with modifications.**  
(VOTE)

**Recommended Changes**

LFO recommends a budget of \$514,717,456 General Fund and \$20,769,668 Other Funds, and 113 positions (112.80 FTE), which is reflected in the –2 amendment.

The -2 amendment also includes the following changes to the 2023-25 and the 2021-23 biennia:

**2023-25 Biennium - LFO Recommended Budget:**

- For the 2023-25 biennium, LFO recommends that a special purpose appropriation in the amount of \$3,000,000 General Fund for Adult Trial Division or Juvenile Division caseload costs the commission is unable to mitigate during the interim legislative periods.

**2021-23 Biennium - LFO Recommended Budget Adjustments:**

- For the 2021-23 biennium, LFO recommends a General Fund disappropriation of \$413,560 for Nonroutine Expenses; and
- For the 2021-23 biennium, LFO recommends a General Fund disappropriation of \$3,396,146 for Court Mandated Expenses;

**MOTION: I move adoption of the –2 amendment to SB 5532.** (VOTE)

**Final Subcommittee Action**

LFO recommends that SB 5532, as amended by the –2 amendment, be moved to the Ways and Means Full Committee.

**MOTION: I move SB 5532, as amended, to the Full Committee with a do pass recommendation.** (VOTE)

**Carriers**

Full Committee: \_\_\_\_\_

House Floor: \_\_\_\_\_

Senate Floor: \_\_\_\_\_

	<b>General Fund</b>	<b>Lottery Funds</b>	<b>Other Funds</b>	<b>Federal Funds</b>	<b>Nonlimited Other Funds</b>	<b>Nonlimited Federal Funds</b>	<b>Total Funds</b>	<b>Positions</b>	<b>Full-Time Equivalent (FTE)</b>
<b>2021-23 Agy. Leg. Adopted</b>	<b>321,184,175</b>	-	<b>18,449,667</b>	-	-	-	<b>339,633,842</b>	<b>108</b>	<b>104.72</b>
2021-23 Ebds, SS & Admin Act	126,976,197	-	-	-	-	-	126,976,197	6	3.09
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	<b>448,160,372</b>	-	<b>18,449,667</b>	-	-	-	<b>466,610,039</b>	<b>114</b>	<b>107.81</b>
<b>2021-23 Leg Approved Budget (Base)</b>	<b>337,439,650</b>	-	<b>18,449,667</b>	-	-	-	<b>355,889,317</b>	<b>113</b>	<b>107.56</b>
Summary of Base Adjustments	910,104	-	-	-	-	-	910,104	(9)	(3.76)
<b>2023-25 Base Budget</b>	<b>338,349,754</b>	-	<b>18,449,667</b>	-	-	-	<b>356,799,421</b>	<b>104</b>	<b>103.80</b>
010: Non-PICS Pers Svc/Vacancy Factor	(1,516,173)	-	-	-	-	-	(1,516,173)	-	-
020: Phase In / Out Pgm & One-time Cost	(12,716,203)	-	(512,551)	-	-	-	(13,228,754)	-	-
030: Inflation & Price List Adjustments	25,040,043	-	-	-	-	-	25,040,043	-	-
040: Mandated Caseload	19,617,400	-	-	-	-	-	19,617,400	-	-
<b>2023-25 Current Service Level</b>	<b>368,774,821</b>	-	<b>17,937,116</b>	-	-	-	<b>386,711,937</b>	<b>104</b>	<b>103.80</b>
080: E-Boards	114,541,318	-	-	-	-	-	114,541,318	1	1.00
<b>Adjusted 2023-25 Current Service Level</b>	<b>483,316,139</b>	-	<b>17,937,116</b>	-	-	-	<b>501,253,255</b>	<b>105</b>	<b>104.80</b>
<b>Total LFO Recommended Packages</b>	<b>31,401,317</b>	-	<b>2,832,552</b>	-	-	-	<b>34,233,869</b>	<b>8</b>	<b>8.00</b>
<b>2023-25 Legislative Actions</b>	<b>514,717,456</b>	-	<b>20,769,668</b>	-	-	-	<b>535,487,124</b>	<b>113</b>	<b>112.80</b>
Net change from 2021-23 Leg Approved Budget	66,557,084	-	2,320,001	-	-	-	68,877,085	(1)	4.99
Percent change from 2021-23 Leg Approved Budget	14.9%	0.0%	12.6%	0.0%	0.0%	0.0%	14.8%	(0.9%)	4.6%
Net change from 2023-25 Adj Current Service Level	31,401,317	-	2,832,552	-	-	-	34,233,869	8	8.00
Percent change from 2023-25 Adj Current Service Level	6.5%	0.0%	15.8%	0.0%	0.0%	0.0%	6.8%	7.6%	7.6%

	<b>General Fund</b>	<b>Lottery Funds</b>	<b>Other Funds</b>	<b>Federal Funds</b>	<b>Nonlimited Other Funds</b>	<b>Nonlimited Federal Funds</b>	<b>Total Funds</b>	<b>Positions</b>	<b>Full-Time Equivalent (FTE)</b>
<b>2021-23 Agy. Leg. Adopted</b>	<b>3,600,361</b>	-	-	-	-	-	<b>3,600,361</b>	<b>8</b>	<b>7.88</b>
2021-23 Ebds, SS & Admin Act	143,103	-	-	-	-	-	143,103	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	<b>3,743,464</b>	-	-	-	-	-	<b>3,743,464</b>	<b>8</b>	<b>7.88</b>
<b>2021-23 Leg Approved Budget (Base)</b>	<b>3,743,464</b>	-	-	-	-	-	<b>3,743,464</b>	<b>8</b>	<b>7.88</b>
Summary of Base Adjustments	(473,601)	-	-	-	-	-	(473,601)	(2)	(1.88)
<b>2023-25 Base Budget</b>	<b>3,269,863</b>	-	-	-	-	-	<b>3,269,863</b>	<b>6</b>	<b>6.00</b>
010: Non-PICS Pers Svc/Vacancy Factor	(115,772)	-	-	-	-	-	(115,772)	-	-
030: Inflation & Price List Adjustments	47,785	-	-	-	-	-	47,785	-	-
<b>2023-25 Current Service Level</b>	<b>3,201,876</b>	-	-	-	-	-	<b>3,201,876</b>	<b>6</b>	<b>6.00</b>
<b>Adjusted 2023-25 Current Service Level</b>	<b>3,201,876</b>	-	-	-	-	-	<b>3,201,876</b>	<b>6</b>	<b>6.00</b>
<b>Total LFO Recommended Packages</b>	<b>546,768</b>	-	-	-	-	-	<b>546,768</b>	<b>2</b>	<b>2.00</b>
<b>2023-25 Legislative Actions</b>	<b>3,748,644</b>	-	-	-	-	-	<b>3,748,644</b>	<b>8</b>	<b>8.00</b>
Net change from 2021-23 Leg Approved Budget	5,180	-	-	-	-	-	5,180	-	0.12
Percent change from 2021-23 Leg Approved Budget	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%	1.5%
Net change from 2023-25 Adj Current Service Level	546,768	-	-	-	-	-	546,768	2	2.00
Percent change from 2023-25 Adj Current Service Level	17.1%	0.0%	0.0%	0.0%	0.0%	0.0%	17.1%	33.3%	33.3%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 108 Limited Duration Positions**

Package Description This package appropriates \$546,768 General Fund and authorizes the establishment of two permanent full-time position (2.00 FTE).

The two positions were previously authorized as limited duration until the long-term need for these positions could be assessed. The positions provide policy analysis and advice, recommend systems and organizational improvements, conduct project management, evaluate forms and record systems, conduct legislation tracking, respond to complaints, and review and revise policy and procedure manuals.

There appears to be little tangible evidence that these positions undertook the duties for which they were provided by the legislature. While disconcerting, the positions are being recommended to continue only to provide operational stability to the agency. The need for these positions in the long-term will be re-evaluated during the 2025 legislative session.

The positions are: one Operations and Policy Analyst 2 (1.00 FTE) and one Operations and Policy Analyst 4 (1.00 FTE).

LFO Recommendation Approve the request.

LFO Analyst Notes SB 5532 (2023)

LFO Recommended	546,768	-	-	-	-	-	546,768	2	2.00
-----------------	---------	---	---	---	---	---	---------	---	------

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

Package 801 LFO Analyst Adjustments

Package Description

LFO Recommendation Approve the budget note.

Budget Notes

The Public Defense Services Commission is directed to report to the Interim Joint Committee on Ways and Means throughout the fall of 2023, the Joint Committee on Ways and Means during the Legislative Session in 2024, and quarterly thereafter to the Legislative Emergency Board, on the Commission’s restructuring and modernization efforts, including updated caseloads, financial forecasts, and procurement activities including contract amendments and the alignment of contracting with the biennial budget process.

In addition, reporting by the Commission is to include, and be based upon, a comprehensive remediation plan adopted by the Commission and that includes the following elements: (1) Issue - identify each specific issue with a concise problem statement (2) Priority - assign each issue a priority ; (3) Evidence of Concern - identify evidence supporting the existence of the issue; (4) Objective - identify what objective the agency is trying to achieve through the resolution of the issue; (5) Best Practice(s) - identify what best practices exist related to the resolution of the issue, which can be used to benchmark the options available as well as the recommended option; (6) Options to resolve the issue - identify what specific options exist to resolve the issue; (7) Recommended Option - identify which is the agency’s recommended option to resolve the issue, and on what basis was the option selected; (8) Timeframe - identify the timeframe for implementing the recommended option; (9) Fiscal Impact - identify the cost of implementing the recommended option; and (10) Expected Outcome - identify what outcome is expected from the recommended option and how will it be measured.

LFO Recommended	-	-	-	-	-	-	-	-	-
-----------------	---	---	---	---	---	---	---	---	---



	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2021-23 Agy. Leg. Adopted</b>	<b>4,656,251</b>	-	-	-	-	-	<b>4,656,251</b>	<b>13</b>	<b>11.27</b>
2021-23 Ebds, SS & Admin Act	370,058	-	-	-	-	-	370,058	1	0.25
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	<b>5,026,309</b>	-	-	-	-	-	<b>5,026,309</b>	<b>14</b>	<b>11.52</b>
<b>2021-23 Leg Approved Budget (Base)</b>	<b>4,904,660</b>	-	-	-	-	-	<b>4,904,660</b>	<b>13</b>	<b>11.27</b>
Summary of Base Adjustments	237,446	-	-	-	-	-	237,446	(2)	(0.27)
<b>2023-25 Base Budget</b>	<b>5,142,106</b>	-	-	-	-	-	<b>5,142,106</b>	<b>11</b>	<b>11.00</b>
010: Non-PICS Pers Svc/Vacancy Factor	(99,317)	-	-	-	-	-	(99,317)	-	-
030: Inflation & Price List Adjustments	39,776	-	-	-	-	-	39,776	-	-
<b>2023-25 Current Service Level</b>	<b>5,082,565</b>	-	-	-	-	-	<b>5,082,565</b>	<b>11</b>	<b>11.00</b>
080: E-Boards	419,056	-	-	-	-	-	419,056	1	1.00
<b>Adjusted 2023-25 Current Service Level</b>	<b>5,501,621</b>	-	-	-	-	-	<b>5,501,621</b>	<b>12</b>	<b>12.00</b>
<b>Total LFO Recommended Packages</b>	<b>98,216</b>	-	-	-	-	-	<b>98,216</b>	<b>2</b>	<b>2.00</b>
<b>2023-25 Legislative Actions</b>	<b>5,599,837</b>	-	-	-	-	-	<b>5,599,837</b>	<b>14</b>	<b>14.00</b>
Net change from 2021-23 Leg Approved Budget	573,528	-	-	-	-	-	573,528	-	2.48
Percent change from 2021-23 Leg Approved Budget	11.4%	0.0%	0.0%	0.0%	0.0%	0.0%	11.4%	0.0%	21.5%
Net change from 2023-25 Adj Current Service Level	98,216	-	-	-	-	-	98,216	2	2.00
Percent change from 2023-25 Adj Current Service Level	1.8%	0.0%	0.0%	0.0%	0.0%	0.0%	1.8%	16.7%	16.7%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 082 September Eboard**

Package Description This package appropriates \$419,056 General Fund and authorizes the establishment of one permanent full-time position to serve as the Division Chief of the Compliance, Audit, and Performance Management Division (CAP). This action was approved by the Emergency Board, as an ongoing adjustment to the 2023-25 budget.

The position was determined to be needed to redress the material deficiencies noted in the CAP Division, as reported to the Emergency Board and to manage and supervise the existing resources within the division. The Commission reports that this position will be filled on June 12, 2023.

The position is a General Counsel position (1.00 FTE).

LFO Recommendation Approve the request.

LFO Analyst Notes SB 5532 (2023); Emergency Board Item #8 (September 2022)

<b>LFO Recommended</b>	<b>419,056</b>	-	-	-	-	-	<b>419,056</b>	<b>1</b>	<b>1.00</b>
------------------------	----------------	---	---	---	---	---	----------------	----------	-------------

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 108 Limited Duration Positions**

Package Description This package appropriates \$479,016 General Fund and authorizes the establishment of two permanent full-time position (2.00 FTE) in the Compliance, Audit and Performance Management Division - Research Section.

The two positions were previously authorized as limited duration until the long-term need for these positions could be assessed. The positions are for data analysis and reporting. The positions support one existing permanent full-time Research Analyst 4 position for Adult Trial Division and one existing permanent full-time Research Analyst 4 position for the Juvenile Trial Division and the Parent Child Representation Program.

The positions are: two Operations and Policy Analyst 2 (2.00 FTE).

LFO Recommendation Approve the request.

Budget Notes The Public Defense Services Commission is directed to develop a quality management plan for public defense and associated Key Performance Measures and Indicators. The Commission is directed to submit the plan prior to the Legislative Session in 2024. In addition, the Chair and the Executive Director of the Public Defense Service Commission are directed to report on existing Performance Measurements and targets.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>479,016</b>	-	-	-	-	-	<b>479,016</b>	<b>2</b>	<b>2.00</b>
------------------------	----------------	---	---	---	---	---	----------------	----------	-------------

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 801 LFO Analyst Adjustments**

Package Description This package reduces General Fund by \$380,800 in Services and Supplies for Professional Services.

During the 2021-23 biennium, the Commission received, on a one-time basis, \$350,000 in General Fund to have conducted an external financial and performance audit of the agency. The audit was completed; however, the agency neglected to phase-out the funding in the 2023-25 biennial budget (\$350,000 + \$30,800 inflation factor = \$380,800).

LFO Recommendation Approve the adjustment.

Budget Notes The Public Defense Services Commission is directed to report to the Joint Committee on Legislative Audits and the Joint Committee on Ways and Means prior to the Legislative Session in 2024 on internal audits and audits of provider contracts completed after June 30, 2021, as well as audit plans for the 2023-25 biennium. The report is to include an update on the hiring of internal audit staff and the reporting structure of internal audit staff to the Commission.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>(380,800)</b>	-	-	-	-	-	<b>(380,800)</b>	-	-
------------------------	------------------	---	---	---	---	---	------------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2021-23 Agy. Leg. Adopted</b>	<b>24,925,503</b>	-	-	-	-	-	<b>24,925,503</b>	<b>57</b>	<b>56.80</b>
2021-23 Ebds, SS & Admin Act	(2,107,191)	-	-	-	-	-	(2,107,191)	1	0.58
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	<b>22,818,312</b>	-	-	-	-	-	<b>22,818,312</b>	<b>58</b>	<b>57.38</b>
<b>2021-23 Leg Approved Budget (Base)</b>	<b>26,068,312</b>	-	-	-	-	-	<b>26,068,312</b>	<b>58</b>	<b>57.38</b>
Summary of Base Adjustments	665,661	-	-	-	-	-	665,661	-	0.42
<b>2023-25 Base Budget</b>	<b>26,733,973</b>	-	-	-	-	-	<b>26,733,973</b>	<b>58</b>	<b>57.80</b>
010: Non-PICS Pers Svc/Vacancy Factor	(892,817)	-	-	-	-	-	(892,817)	-	-
020: Phase In / Out Pgm & One-time Cost	12,663	-	-	-	-	-	12,663	-	-
030: Inflation & Price List Adjustments	139,164	-	-	-	-	-	139,164	-	-
<b>2023-25 Current Service Level</b>	<b>25,992,983</b>	-	-	-	-	-	<b>25,992,983</b>	<b>58</b>	<b>57.80</b>
080: E-Boards	(1,360,000)	-	-	-	-	-	(1,360,000)	-	-
<b>Adjusted 2023-25 Current Service Level</b>	<b>24,632,983</b>	-	-	-	-	-	<b>24,632,983</b>	<b>58</b>	<b>57.80</b>
<b>Total LFO Recommended Packages</b>	<b>(141,171)</b>	-	-	-	-	-	<b>(141,171)</b>	-	-
<b>2023-25 Legislative Actions</b>	<b>24,491,812</b>	-	-	-	-	-	<b>24,491,812</b>	<b>58</b>	<b>57.80</b>
Net change from 2021-23 Leg Approved Budget	1,673,500	-	-	-	-	-	1,673,500	-	0.42
Percent change from 2021-23 Leg Approved Budget	7.3%	0.0%	0.0%	0.0%	0.0%	0.0%	7.3%	0.0%	0.7%
Net change from 2023-25 Adj Current Service Level	(141,171)	-	-	-	-	-	(141,171)	-	-
Percent change from 2023-25 Adj Current Service Level	(0.6%)	0.0%	0.0%	0.0%	0.0%	0.0%	(0.6%)	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 081 June 2022 Emergency Board**

Package Description This package reduces General Fund by \$1,360,000 under Services and Supplies with the reduction being transferred to Court Mandated Expenses. This rebalance action was approved by the Emergency Board, as an ongoing adjustment to the 2023-25 budget.

The package includes the following transfers: (a) hourly attorney charge budget for conflict attorneys (\$250,000); (b) transcription and disposition services (\$1 million); and an inflation adjustment at 8.8% (\$110,000)

LFO Recommendation Approve the request.

LFO Analyst Notes SB 5532 (2023); Emergency Board Item #5 (June 2022).

<b>LFO Recommended</b>	<b>(1,360,000)</b>	-	-	-	-	-	<b>(1,360,000)</b>	-	-
------------------------	--------------------	---	---	---	---	---	--------------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 801 LFO Analyst Adjustments**

Package Description This package reduces General Fund by \$141,171 for unexpended General Fund carried forward from the 2019-21 biennium.

The Commission, as a Judicial Branch agency, is allowed by statute to retain unexpended General Fund appropriations from the previous biennium; however, carryforward amounts are one-time expenditures and therefore are to be phase-out of the following biennium's budget. The carryforward amount has been adjusted to account for inflation (\$135,221 + \$5,950 inflation factor = \$141,171).

LFO Recommendation Approve the adjustment.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>(141,171)</b>	-	-	-	-	-	<b>(141,171)</b>	-	-
------------------------	------------------	---	---	---	---	---	------------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2021-23 Agy. Leg. Adopted</b>	<b>186,458,931</b>	-	-	-	-	-	<b>186,458,931</b>	-	-
2021-23 Ebds, SS & Admin Act	77,548,733	-	4,000,000	-	-	-	81,548,733	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	<b>264,007,664</b>	-	<b>4,000,000</b>	-	-	-	<b>268,007,664</b>	-	-
<b>2021-23 Leg Approved Budget (Base)</b>	<b>199,267,268</b>	-	-	-	-	-	<b>199,267,268</b>	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
<b>2023-25 Base Budget</b>	<b>199,267,268</b>	-	-	-	-	-	<b>199,267,268</b>	-	-
020: Phase In / Out Pgm & One-time Cost	(12,806,640)	-	-	-	-	-	(12,806,640)	-	-
030: Inflation & Price List Adjustments	16,408,535	-	-	-	-	-	16,408,535	-	-
040: Mandated Caseload	13,064,775	-	-	-	-	-	13,064,775	-	-
060: Technical Adjustments	(34,969,383)	-	-	-	-	-	(34,969,383)	-	-
<b>2023-25 Current Service Level</b>	<b>180,964,555</b>	-	-	-	-	-	<b>180,964,555</b>	-	-
080: E-Boards	56,461,866	-	-	-	-	-	56,461,866	-	-
<b>Adjusted 2023-25 Current Service Level</b>	<b>237,426,421</b>	-	-	-	-	-	<b>237,426,421</b>	-	-
<b>Total LFO Recommended Packages</b>	<b>17,791,154</b>	-	-	-	-	-	<b>17,791,154</b>	-	-
<b>2023-25 Legislative Actions</b>	<b>255,217,575</b>	-	-	-	-	-	<b>255,217,575</b>	-	-
Net change from 2021-23 Leg Approved Budget	(8,790,089)	-	(4,000,000)	-	-	-	(12,790,089)	-	-
Percent change from 2021-23 Leg Approved Budget	(3.3%)	0.0%	(100.0%)	0.0%	0.0%	0.0%	(4.8%)	0.0%	0.0%
Net change from 2023-25 Adj Current Service Level	17,791,154	-	-	-	-	-	17,791,154	-	-
Percent change from 2023-25 Adj Current Service Level	7.5%	0.0%	0.0%	0.0%	0.0%	0.0%	7.5%	0.0%	0.0%



	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 081 June 2022 Emergency Board**

Package Description This package appropriates a net \$56,061,891 General Fund to procure trial-level criminal defense for eligible defendants through contracts with independent contractors, including nonprofit public defender offices, consortia of attorneys or law firms, private law firms, or individual attorneys. This action was approved by the Emergency Board, as an ongoing adjustment to the 2023-25 budget.

The amount reflects the following actions: (a) the release of a special purpose appropriation by the Emergency Board in June of 2022 (\$70,250,989); (b) an inflation adjustment at 8.8% (\$5,249,067); (c) a mandated caseload adjustment (\$4,922,288); (d) a rebalance action to transfer from the Trial Criminal/Adult Trial Division to the Court Mandated Expense Division non-contract/hourly attorney charges (\$10,602,500); and (e) the transfer of a portion of the special purpose appropriation attributable to the Juvenile Trial Division (\$13,757,954).

LFO Recommendation Approve the request.

LFO Analyst Notes SB 5532 (2023); Emergency Board Item #5 (June 2022).

<b>LFO Recommended</b>	<b>56,061,891</b>	-	-	-	-	-	<b>56,061,891</b>	-	-
------------------------	-------------------	---	---	---	---	---	-------------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 082 September Eboard**

Package Description This package appropriates \$399,975 General Fund for Services and Supplies - Professional Services. This action was approved by the Emergency Board, as an ongoing adjustment to the 2023-25 budget.

The purpose of this package is to fund Family Treatment Court provider contracts in Clackamas and Josephine counties.

LFO Recommendation Approve the request.

LFO Analyst Notes SB 5532 (2023); Emergency Board Item #4 (September 2022)

<b>LFO Recommended</b>	<b>399,975</b>	-	-	-	-	-	<b>399,975</b>	-	-
------------------------	----------------	---	---	---	---	---	----------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 801 LFO Analyst Adjustments**

Package Description This package reduces General Fund by \$1,846 for unexpended General Fund carried forward from the 2019-21 biennium.

The Commission, as a Judicial Branch agency, is allowed by statute to retain unexpended General Fund appropriations from the previous biennium; however, carryforward amounts are one-time expenditures and therefore are to be phase-out of the following biennium's budget. The carryforward amount has been adjusted to account for inflation (\$1,697 + \$149 inflation factor = \$1,846).

LFO Recommendation Approve the adjustment.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	(1,846)	-	-	-	-	-	(1,846)	-	-
------------------------	---------	---	---	---	---	---	---------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 803 Caseload Adjustment**

Package Description This package appropriates \$17,793,000 General Fund to the Adult Trial Division to fully fund the Commission's forecasted caseload of 466.35 (increasing MAC by +36.98) Maximum Attorney Capacity for county provider contracts and 12.36 (increasing MAC by +2.56) Maximum Attorney Capacity for statewide appeal contracts for the 2023-25 biennium.

LFO Recommendation Approve the adjustment.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>17,793,000</b>	-	-	-	-	-	<b>17,793,000</b>	-	-
------------------------	-------------------	---	---	---	---	---	-------------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2021-23 Agy. Leg. Adopted</b>	-	-	-	-	-	-	-	-	-
2021-23 Ebds, SS & Admin Act	-	-	-	-	-	-	-	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget (Base)</b>	-	-	-	-	-	-	-	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
<b>2023-25 Base Budget</b>	-	-	-	-	-	-	-	-	-
<b>2023-25 Current Service Level</b>	-	-	-	-	-	-	-	-	-
080: E-Boards	13,757,952	-	-	-	-	-	13,757,952	-	-
<b>Adjusted 2023-25 Current Service Level</b>	<b>13,757,952</b>	-	-	-	-	-	<b>13,757,952</b>	-	-
<b>Total LFO Recommended Packages</b>	<b>35,364,383</b>	-	<b>4,352,000</b>	-	-	-	<b>39,716,383</b>	-	-
<b>2023-25 Legislative Actions</b>	<b>49,122,335</b>	-	<b>4,352,000</b>	-	-	-	<b>53,474,335</b>	-	-
Net change from 2021-23 Leg Approved Budget	49,122,335	-	4,352,000	-	-	-	53,474,335	-	-
Percent change from 2021-23 Leg Approved Budget	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
Net change from 2023-25 Adj Current Service Level	35,364,383	-	4,352,000	-	-	-	39,716,383	-	-
Percent change from 2023-25 Adj Current Service Level	257.1%	0.0%	100.0%	0.0%	0.0%	0.0%	288.7%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 081 June 2022 Emergency Board**

Package Description This package appropriates a net \$13,757,952 General Fund to procure trial-level juvenile defense for eligible defendants through contracts with independent contractors, including nonprofit public defender offices, consortia of attorneys or law firms, private law firms, or individual attorneys. This action was approved by the Emergency Board, as an ongoing adjustment to the 2023-25 budget.

This package is being utilized to establish the Juvenile Trial Division to allow for juvenile defense activities to be tracked discretely from the Parent Child Representation Program.

The amount reflects the following actions: (a) the release of a special purpose appropriation by the Emergency Board in June of 2022 (\$12,645,177); and (b) an inflation adjustment at 8.8% (\$1,112,775).

The Commission was directed to begin the procurement of trial-level representation to parents in juvenile dependency cases and termination of parental rights cases as contracts separate and distinct from Trial Criminal procurement. The Juvenile Trial Division provides trial-level representation to financially eligible parents and children in cases of juvenile delinquency, juvenile dependency, and those involving the termination of parental rights in non-Parent Child Representation 26 counties. The division will be overseen by the Chief Juvenile Defender.

LFO Recommendation Approve the request.

LFO Analyst Notes SB 5532 (2023); Emergency Board Item #5 (June 2022).

<b>LFO Recommended</b>	<b>13,757,952</b>	-	-	-	-	-	<b>13,757,952</b>	-	-
------------------------	-------------------	---	---	---	---	---	-------------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 801 LFO Analyst Adjustments**

Package Description This package appropriates \$34,617,383 General Fund and \$4,352,000 Other Funds for Services and Supplies and establishes the Juvenile Trial Division. The revenue source supporting the Other Funds is Federal as Other Funds from Title IV-E as reimbursement for state expenses from the Oregon Department of Human Services.

The package includes a base amount of \$31,892,079 plus \$2,806,503 in inflation factor = \$34,698,582 less \$352,000 for an inflation factor on the Title-IV-E receipts plus a \$30,000 reconciliation. The Title-IV-E amount is \$4,000,000 plus \$352,000 for a standard inflation adjustment.

LFO Recommendation Approve the package.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>34,617,383</b>	-	<b>4,352,000</b>	-	-	-	<b>38,969,383</b>	-	-
------------------------	-------------------	---	------------------	---	---	---	-------------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 803 Caseload Adjustment**

Package Description This package appropriates \$747,000 General Fund for the Juvenile Trial Division to reconcile the division's budget to the Commission's forecasted caseload of 100.37 Maximum Attorney Capacity (increasing MAC by +1.66 FTE) for the 2023-25 biennium.

LFO Recommendation Approve the adjustment.

LFO Analyst Notes SB 5532 (2023)

LFO Recommended	747,000	-	-	-	-	-	747,000	-	-
-----------------	---------	---	---	---	---	---	---------	---	---



	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2021-23 Agy. Leg. Adopted</b>	<b>43,663,533</b>	-	-	-	-	-	<b>43,663,533</b>	-	-
2021-23 Ebds, SS & Admin Act	1,848,057	-	-	-	-	-	1,848,057	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	<b>45,511,590</b>	-	-	-	-	-	<b>45,511,590</b>	-	-
<b>2021-23 Leg Approved Budget (Base)</b>	<b>43,663,533</b>	-	-	-	-	-	<b>43,663,533</b>	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
<b>2023-25 Base Budget</b>	<b>43,663,533</b>	-	-	-	-	-	<b>43,663,533</b>	-	-
030: Inflation & Price List Adjustments	3,842,391	-	-	-	-	-	3,842,391	-	-
040: Mandated Caseload	4,544,009	-	-	-	-	-	4,544,009	-	-
<b>2023-25 Current Service Level</b>	<b>52,049,933</b>	-	-	-	-	-	<b>52,049,933</b>	-	-
080: E-Boards	7,450,686	-	-	-	-	-	7,450,686	-	-
<b>Adjusted 2023-25 Current Service Level</b>	<b>59,500,619</b>	-	-	-	-	-	<b>59,500,619</b>	-	-
<b>Total LFO Recommended Packages</b>	<b>(4,662,974)</b>	-	<b>1</b>	-	-	-	<b>(4,662,973)</b>	-	-
<b>2023-25 Legislative Actions</b>	<b>54,837,645</b>	-	<b>1</b>	-	-	-	<b>54,837,646</b>	-	-
Net change from 2021-23 Leg Approved Budget	9,326,055	-	1	-	-	-	9,326,056	-	-
Percent change from 2021-23 Leg Approved Budget	20.5%	0.0%	100.0%	0.0%	0.0%	0.0%	20.5%	0.0%	0.0%
Net change from 2023-25 Adj Current Service Level	(4,662,974)	-	1	-	-	-	(4,662,973)	-	-
Percent change from 2023-25 Adj Current Service Level	(7.8%)	0.0%	100.0%	0.0%	0.0%	0.0%	(7.8%)	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 081 June 2022 Emergency Board**

Package Description This package appropriates a net \$7,450,686 General Fund for Preauthorized Expenses to pay for reasonable and necessary non-attorney expenses public defense related trial and appellate representation case costs for financially eligible defendants, including transcriptionists, investigators, interpreters, mitigators, social workers, psychologists, polygraph examiners, and forensic experts, such as firearm experts, arson experts, deoxyribonucleic acid (DNA) experts, and medical experts that fall outside regular, routine case-mandated expenses. This action was approved by the Emergency Board, as an ongoing adjustment to the 2023-25 budget.

The amount reflects the following actions: (a) the release of a special purpose appropriation by the Emergency Board in June of 2022 (\$14,554,511); (b) an inflation adjustment at 8.8% (\$1,280,797); (c) a rebalance action to transfer from Nonroutine (Preauthorized) Expenses to the Court-Mandated Expenses (\$7,706,454 + 678,186 inflation factor = \$8,384,622).

LFO Recommendation Approve the request.

LFO Analyst Notes SB 5532 (2023); Emergency Board Item #5 (June 2022).

LFO Recommended	7,450,686	-	-	-	-	-	7,450,686	-	-
-----------------	-----------	---	---	---	---	---	-----------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 083 December E-Board 2022**

Package Description The package appropriates \$665,026 General Fund for the unrepresented defendant/persons crisis. Funding for this request is from a disappropriation of General Fund from the 2021-23 biennium.

The package increases funding for the following: (a) Increase in hour rate for investigators from \$40 to \$75 for unrepresented defendant/persons crisis cases only (\$251,466); (b) Nonroutine (Preauthoirzed) Expenses (\$413,560).

In December of 2022, PDSC requested \$10 million in supplemental General Fund to address an urgent funding need related to the unrepresented defendant/persons crisis in the 2021-23 biennium. The Emergency Board, after allocating the \$10 million General Fund to PDSC on a one-time basis, directed that the Commission, prior to the obligation or expenditure of a \$10 million allocation, to provide to the Senate President and the Speaker of the House a written report detailing the Commission’s plan to expend the \$10 million to resolve the crisis. The Emergency Board approved funding for the 2021-23 biennium with \$3.4 million (or 34%) needed for the 2023-25 biennium.

LFO Recommendation Approve the adjustment, as a one-time adjustment.

LFO Analyst Notes SB 5532 (2023); Emergency Board Item #3 (December 2023); Joint Committee on Ways and Means Report (February 2023)

<b>LFO Recommended</b>	<b>665,026</b>	-	-	-	-	-	<b>665,026</b>	-	-
------------------------	----------------	---	---	---	---	---	----------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 801 LFO Analyst Adjustments**

Package Description This package reduces General Fund by \$6,528,000 under Services and Supplies for Professional Services with the reduction being transferred into the Special Programs, Contracts, and Distributions Division.

The package adds a \$1 Other Funds expenditure limitation placeholder in anticipation of eligible expenses being paid from Other Funds is Federal as Other Funds from Title IV-E as reimbursement for state expenses from the Oregon Department of Human Services.

In 2019, federal policy was revised, allowing Oregon to claim Title IV-E funds for administrative reimbursement of costs associated with legal representation of a child or parent in foster care proceedings. Reimbursement for training of contracted legal services providers is also included. Title IV-E revenue results in General Fund savings.

The purpose of the package is to increase the budgetary transparency of discovery costs paid by the Commission to counties (\$6,000,000 + \$528,000 inflation factor = \$6,528,000).

LFO Recommendation Approve the adjustment

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>(6,528,000)</b>	-	1	-	-	-	<b>(6,527,999)</b>	-	-
------------------------	--------------------	---	---	---	---	---	--------------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 804 Unrepresented Defendant Crisis**

Package Description This package appropriates, on a one-time basis, \$480,000 General Fund for the unrepresented defendant/persons crisis for Preauthorized Expenses.

LFO Recommendation Approve the request, as a one-time adjustment.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>480,000</b>	-	-	-	-	-	<b>480,000</b>	-	-
------------------------	----------------	---	---	---	---	---	----------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 805 Nonunanimous Jury Convictions**

Package Description This package appropriates, on a one-time basis, \$720,000 General Fund for the Commission’s response to the Watkins v. Ackley court decision (December 30, 2022) on nonunanimous jury convictions.

The Watkins v. Ackley applies the U.S. Supreme Court ruling in Ramos v. Louisiana retroactively to nonunanimous jury convictions, which allows for post-conviction relief of cases challenging their nonunanimous jury conviction. Persons with nonunanimous jury felony conviction have up to two years from the date of the Watkins v. Ackley court decision to challenge their conviction.

At present, PDSC estimated that there are 225 to 250 existing post-conviction relief cases, with approximately 83 possibly returning for new trial in the next 60 days. The total number of post-conviction case, and their timing, is unknown at this time, but could total up to 2,000 cases. The 2023-25 Current Service Level budget for the Commission included \$2.1 million General Fund for the U.S. Supreme Court ruled in Ramos v. Louisiana for those persons currently in custody.

LFO Recommendation Approve the request, as a one-time adjustment.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>720,000</b>	-	-	-	-	-	<b>720,000</b>	-	-
------------------------	----------------	---	---	---	---	---	----------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2021-23 Agy. Leg. Adopted</b>	<b>15,006,403</b>	-	<b>4,449,667</b>	-	-	-	<b>19,456,070</b>	-	-
2021-23 Ebds, SS & Admin Act	36,561,089	-	-	-	-	-	36,561,089	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	<b>51,567,492</b>	-	<b>4,449,667</b>	-	-	-	<b>56,017,159</b>	-	-
<b>2021-23 Leg Approved Budget (Base)</b>	<b>15,006,403</b>	-	<b>4,449,667</b>	-	-	-	<b>19,456,070</b>	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
<b>2023-25 Base Budget</b>	<b>15,006,403</b>	-	<b>4,449,667</b>	-	-	-	<b>19,456,070</b>	-	-
020: Phase In / Out Pgm & One-time Cost	-	-	(512,551)	-	-	-	(512,551)	-	-
030: Inflation & Price List Adjustments	1,320,564	-	-	-	-	-	1,320,564	-	-
040: Mandated Caseload	2,008,616	-	-	-	-	-	2,008,616	-	-
<b>2023-25 Current Service Level</b>	<b>18,335,583</b>	-	<b>3,937,116</b>	-	-	-	<b>22,272,699</b>	-	-
080: E-Boards	26,722,465	-	-	-	-	-	26,722,465	-	-
<b>Adjusted 2023-25 Current Service Level</b>	<b>45,058,048</b>	-	<b>3,937,116</b>	-	-	-	<b>48,995,164</b>	-	-
<b>Total LFO Recommended Packages</b>	<b>6,496,555</b>	-	<b>512,551</b>	-	-	-	<b>7,009,106</b>	-	-
<b>2023-25 Legislative Actions</b>	<b>51,554,603</b>	-	<b>4,449,667</b>	-	-	-	<b>56,004,270</b>	-	-
Net change from 2021-23 Leg Approved Budget	(12,889)	-	-	-	-	-	(12,889)	-	-
Percent change from 2021-23 Leg Approved Budget	(0.0%)	0.0%	0.0%	0.0%	0.0%	0.0%	(0.0%)	0.0%	0.0%
Net change from 2023-25 Adj Current Service Level	6,496,555	-	512,551	-	-	-	7,009,106	-	-
Percent change from 2023-25 Adj Current Service Level	14.4%	0.0%	13.0%	0.0%	0.0%	0.0%	14.3%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 081 June 2022 Emergency Board**

Package Description This package appropriates a net \$26,722,465 General Fund for Court Mandated Expenses to pay for expenses including discovery, interpreter services, medical, school, Oregon Department of Transportation - Department of Motor Vehicles, and other similar records (up to \$300), 911 recordings and Emergency Communication Recording Logs, telephone charges, photocopying and scanning, facsimile charges, routine mileage and parking, postage, service of process; and the payment of lay witness and mileage. This action was approved by the Emergency Board, as an ongoing adjustment to the 2023-25 budget.

The second type of expense is for private bar hourly rate attorney services not billed under a provider contract. Such services are necessary to avoid conflicts of interest in multi-defendant cases, to fill the gap needed by contractors being at capacity, or to fill gaps when contract attorneys lack the requisite qualifications needed to handle a case.

The amount reflects the following actions: (a) the release of a special purpose appropriation by the Emergency Board in June of 2022 (\$5,002,135); (b) an inflation adjustment at 8.8% (\$441,948); (c) a rebalance action then transferred from the Trial Criminal to the Court Mandated Expense Division non-contract/hourly attorney charges (\$10,602,500 + \$933,020 inflation factor = \$11,535,520); (d) a second rebalance action that transferred General Fund from the Trial Criminal to the Court Mandated Expense Division for court-directed psychiatric fees (\$7,706,454 + \$678,138 inflation factor = \$8,384,622); (e) a third rebalance action transferred from the Appellate to the Court Mandated Expenses Division for hourly attorney charge budget for conflict attorneys (\$250,000 + \$22,000 inflation factor = \$272,000); and (f) a fourth rebalance action that transferred from the Appellate to the Court Mandated Expenses Division transcription and disposition services (\$1 million + \$88,000 inflation factor = \$1,088,000).

LFO Recommendation Approve the request.

LFO Analyst Notes SB 5532 (2023); Emergency Board Item #5 (June 2022).

LFO Recommended	26,722,465	-	-	-	-	-	26,722,465	-	-
-----------------	------------	---	---	---	---	---	------------	---	---



	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 083 December E-Board 2022**

Package Description The package appropriates, on a one-time basis, \$2,696,555 General Fund for the unrepresented defendant/persons crisis. Funding for this request is from a disappropriation of General Fund from the 2021-23 biennium.

The package increases funding for the following: (a) \$200 per hour for murder and Jessica’s Law cases (\$2,085,028); (b) \$175 per hour for Ballot Measure 11 and felony sex offense cases (\$611,527).

In December of 2022, PDSC requested \$10 million in supplemental General Fund to address an urgent funding need related to the unrepresented defendant/persons crisis in the 2021-23 biennium. The Emergency Board, after allocating the \$10 million General Fund to PDSC on a one-time basis, directed that the Commission, prior to the obligation or expenditure of a \$10 million allocation, to provide to the Senate President and the Speaker of the House a written report detailing the Commission’s plan to expend the \$10 million to resolve the crisis. The Emergency Board approved funding for the 2021-23 biennium with \$3.4 million (or 34%) needed for the 2023-25 biennium.

LFO Recommendation Approve the adjustment, as a one-time adjustment.

LFO Analyst Notes SB 5532 (2023); Emergency Board Item #3 (December 2023); Joint Committee on Ways and Means Report (February 2023)

<b>LFO Recommended</b>	<b>2,696,555</b>	-	-	-	-	-	<b>2,696,555</b>	-	-
------------------------	------------------	---	---	---	---	---	------------------	---	---

**Court Mandated Expenses**

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 801 LFO Analyst Adjustments**

Package Description This package increases Other Funds expenditure limitation by \$512,551 for the Application Contribution Account (ACP).

ACP was created with the intent to avoid some taxpayer costs related to providing court appointed counsel at public expense by an assessment of advance payment from people who could afford to make a monetary contribution toward the cost of representation and the administrative costs of determining their eligibility. The court may order all applicants to pay an application fee. Pursuant to ORS 151.487, an application fee shall be ordered even if the applicant is ultimately determined to be ineligible for appointed counsel, the case is dismissed, or the case type is changed to one where there is no authority to appoint counsel. The application fee amount established by the Commission is currently \$20. This fee is collected by the courts and distributed to PDSC for deposit into the Public Defense Services Account.

The purpose of this package is to reverse an incorrect budget entry in Essential Package 021 that phase-out revenue and expenditure limitation for the Application Contribution Account. Forecasted revenue shortfalls for programs are to be entered in Policy Package 070 - Revenue Shortfalls. The adjustment now aligns the Commission's budgeted revenues with the transfer by the Judicial Department of \$4,449,667. Of this amount, the Commission will transfer \$3,591,305 back to the Judicial Department to operate the ACP. The remainder of \$858,362 will be used to fund the Commission's Court-Mandated Expenses.

LFO Recommendation Approved the adjustment.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	-	-	512,551	-	-	-	512,551	-	-
------------------------	---	---	---------	---	---	---	---------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 804 Unrepresented Defendant Crisis**

Package Description This package appropriates, on a one-time basis, \$1,520,000 General Fund for the unrepresented defendant/persons crisis and to continue enhanced hourly pay for attorneys.

LFO Recommendation Approve the request, as a one-time adjustment.

LFO Analyst Notes SB 5532 (2023)

LFO Recommended	1,520,000	-	-	-	-	-	1,520,000	-	-
-----------------	-----------	---	---	---	---	---	-----------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 805 Nonunanimous Jury Convictions**

Package Description This packages appropriates, on a one-time basis, \$2,280,000 General Fund for the Commission’s response to the Watkins v. Ackley court decision (December 30, 2022) on nonunanimous jury convictions.

The Watkins v. Ackley applies the U.S. Supreme Court ruling in Ramos v. Louisiana retroactively to nonunanimous jury convictions, which allows for post-conviction relief of cases challenging their nonunanimous jury conviction. Persons with nonunanimous jury felony conviction have up to two years from the date of the Watkins v. Ackley court decision to challenge their conviction.

At present, PDSC estimated that there are 225 to 250 existing post-conviction relief cases, with approximately 83 possibly returning for new trial in the next 60 days. The total number of post-conviction case, and their timing, is unknown at this time, but could total up to 2,000 cases. The 2023-25 Current Service Level budget for the Commission included \$2.1 million General Fund for the U.S. Supreme Court ruled in Ramos v. Louisiana for those persons currently in custody.

LFO Recommendation Approve the request, as a one-time adjustment.

Budget Notes The Public Defense Services Commission is instructed to report to the 2025 Legislature on the Commission’s trial and appellate caseloads and costs, including a caseload projection for the 2025-27 biennium, related to nonunanimous jury convictions under the U.S. Supreme Court decision in Ramos v. Louisiana (2020) and the Oregon Supreme Court decision in Watkins v. Ackley (2022).

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>2,280,000</b>	-	-	-	-	-	<b>2,280,000</b>	-	-
------------------------	------------------	---	---	---	---	---	------------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2021-23 Agy. Leg. Adopted</b>	<b>30,577,095</b>	-	<b>14,000,000</b>	-	-	-	<b>44,577,095</b>	-	-
2021-23 Ebds, SS & Admin Act	10,388,198	-	(4,000,000)	-	-	-	6,388,198	1	0.50
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	<b>40,965,293</b>	-	<b>10,000,000</b>	-	-	-	<b>50,965,293</b>	<b>1</b>	<b>0.50</b>
<b>2021-23 Leg Approved Budget (Base)</b>	<b>30,772,928</b>	-	<b>14,000,000</b>	-	-	-	<b>44,772,928</b>	<b>1</b>	<b>0.50</b>
Summary of Base Adjustments	216,806	-	-	-	-	-	216,806	-	0.50
<b>2023-25 Base Budget</b>	<b>30,989,734</b>	-	<b>14,000,000</b>	-	-	-	<b>44,989,734</b>	<b>1</b>	<b>1.00</b>
010: Non-PICS Pers Svc/Vacancy Factor	16,873	-	-	-	-	-	16,873	-	-
020: Phase In / Out Pgm & One-time Cost	15,195	-	-	-	-	-	15,195	-	-
030: Inflation & Price List Adjustments	2,691,371	-	-	-	-	-	2,691,371	-	-
060: Technical Adjustments	34,969,383	-	-	-	-	-	34,969,383	-	-
<b>2023-25 Current Service Level</b>	<b>68,682,556</b>	-	<b>14,000,000</b>	-	-	-	<b>82,682,556</b>	<b>1</b>	<b>1.00</b>
080: E-Boards	11,089,293	-	-	-	-	-	11,089,293	-	-
<b>Adjusted 2023-25 Current Service Level</b>	<b>79,771,849</b>	-	<b>14,000,000</b>	-	-	-	<b>93,771,849</b>	<b>1</b>	<b>1.00</b>
<b>Total LFO Recommended Packages</b>	<b>(32,296,122)</b>	-	<b>(2,032,000)</b>	-	-	-	<b>(34,328,122)</b>	-	-
<b>2023-25 Legislative Actions</b>	<b>47,475,727</b>	-	<b>11,968,000</b>	-	-	-	<b>59,443,727</b>	<b>1</b>	<b>1.00</b>
Net change from 2021-23 Leg Approved Budget	6,510,434	-	1,968,000	-	-	-	8,478,434	-	0.50
Percent change from 2021-23 Leg Approved Budget	15.9%	0.0%	19.7%	0.0%	0.0%	0.0%	16.6%	0.0%	100.0%
Net change from 2023-25 Adj Current Service Level	(32,296,122)	-	(2,032,000)	-	-	-	(34,328,122)	-	-
Percent change from 2023-25 Adj Current Service Level	(40.5%)	0.0%	(14.5%)	0.0%	0.0%	0.0%	(36.6%)	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 081 June 2022 Emergency Board**

Package Description This package appropriates a net \$11,089,293 General Fund to procure trial-level juvenile defense for eligible defendants through contracts for the Parent Child Representation Program. This action was approved by the Emergency Board, as an ongoing adjustment to the 2023-25 budget.

The amount reflects the following actions: (a) the release of a special purpose appropriation by the Emergency Board in June of 2022 (\$10,192,365); and (b) an inflation adjustment at 8.8% (\$896,928).

LFO Recommendation Approve the request.

LFO Analyst Notes SB 5532 (2023); Emergency Board Item #5 (June 2022).

<b>LFO Recommended</b>	<b>11,089,293</b>	-	-	-	-	-	<b>11,089,293</b>	-	-
------------------------	-------------------	---	---	---	---	---	-------------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 801 LFO Analyst Adjustments**

Package Description This package reduces General Fund by \$35,001,383 General Fund and reduces Other Funds expenditure limitation by \$2,032,000.

This package makes the following discrete adjustments: (a) transfers non-Parent Child Representation Program (PCRP) provider contract to the newly established Juvenile Trial Division and renames the Summary Cross Reference the Parent Child Representation Program (\$34,969,383 General Fund less \$32,000 reconciliation and \$4,000,000 Other Funds); and (b) reduces General Fund and increases Other Funds to align revenues with the Commission’s reported Federal as Other Funds from Title IV-E as reimbursement for state expenses from the Oregon Department of Human Services. Title IV-E revenue for the PCRP totals \$11,968,000 (\$11,000,000 +8.8% inflation factor of \$968,000) after accounting for these two actions.

LFO Recommendation Approve the adjustment.

Budget Instructions The Public Defense Services Commission is directed to report to the co-chairs of the Joint Committee on Ways and Means any material change in Title IV-E funding received from the Department of Human Services.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>(35,001,383)</b>	<b>-</b>	<b>(2,032,000)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(37,033,383)</b>	<b>-</b>	<b>-</b>
------------------------	---------------------	----------	--------------------	----------	----------	----------	---------------------	----------	----------

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 803 Caseload Adjustment**

Package Description This package appropriates \$2,706,261 General Fund for the Parent Child Representation Program (PCRP) for a projected growth in program caseloads. This adjustment is in addition to other standard budgetary adjustments (e.g., an 8.8% inflationary increase to all Professional Service contracts).

The 2023 Legislature deferred further PCRP expansion until the systemic issues facing the agency, the public defense system are redressed. At this time, PDSC is faced with the more urgent priority of addressing the unrepresented defendant crisis.

LFO Recommendation Approve the adjustment, as a one-time adjustment.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>2,705,261</b>	-	-	-	-	-	<b>2,705,261</b>	-	-
------------------------	------------------	---	---	---	---	---	------------------	---	---



	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2021-23 Agy. Leg. Adopted</b>	<b>12,296,098</b>	-	-	-	-	-	<b>12,296,098</b>	<b>30</b>	<b>28.77</b>
2021-23 Ebds, SS & Admin Act	1,843,714	-	-	-	-	-	1,843,714	2	1.26
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	<b>14,139,812</b>	-	-	-	-	-	<b>14,139,812</b>	<b>32</b>	<b>30.03</b>
<b>2021-23 Leg Approved Budget (Base)</b>	<b>13,632,646</b>	-	-	-	-	-	<b>13,632,646</b>	<b>32</b>	<b>30.03</b>
Summary of Base Adjustments	374,248	-	-	-	-	-	374,248	(4)	(2.03)
<b>2023-25 Base Budget</b>	<b>14,006,894</b>	-	-	-	-	-	<b>14,006,894</b>	<b>28</b>	<b>28.00</b>
010: Non-PICS Pers Svc/Vacancy Factor	(425,140)	-	-	-	-	-	(425,140)	-	-
020: Phase In / Out Pgm & One-time Cost	62,579	-	-	-	-	-	62,579	-	-
030: Inflation & Price List Adjustments	527,239	-	-	-	-	-	527,239	-	-
<b>2023-25 Current Service Level</b>	<b>14,171,572</b>	-	-	-	-	-	<b>14,171,572</b>	<b>28</b>	<b>28.00</b>
<b>Adjusted 2023-25 Current Service Level</b>	<b>14,171,572</b>	-	-	-	-	-	<b>14,171,572</b>	<b>28</b>	<b>28.00</b>
<b>Total LFO Recommended Packages</b>	<b>1,969,706</b>	-	-	-	-	-	<b>1,969,706</b>	<b>4</b>	<b>4.00</b>
<b>2023-25 Legislative Actions</b>	<b>16,141,278</b>	-	-	-	-	-	<b>16,141,278</b>	<b>32</b>	<b>32.00</b>
Net change from 2021-23 Leg Approved Budget	2,001,466	-	-	-	-	-	2,001,466	-	1.97
Percent change from 2021-23 Leg Approved Budget	14.2%	0.0%	0.0%	0.0%	0.0%	0.0%	14.2%	0.0%	6.6%
Net change from 2023-25 Adj Current Service Level	1,969,706	-	-	-	-	-	1,969,706	4	4.00
Percent change from 2023-25 Adj Current Service Level	13.9%	0.0%	0.0%	0.0%	0.0%	0.0%	13.9%	14.3%	14.3%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 107 OJD ETS Services**

Package Description This package appropriates \$929,270 General Fund, on a one-time basis, for Information Technology Professional Services.

The purpose of this package is to fund the continuation of existing technology services contract with the Judicial Department, which provides servers, network, infrastructure, and related technology services to the Commission.

LFO Recommendation Approve the request, as a one-time adjustment.

LFO Analyst Notes SB 5532 (2023)

LFO Recommended	929,270	-	-	-	-	-	929,270	-	-
-----------------	---------	---	---	---	---	---	---------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 108 Limited Duration Positions**

Package Description This package appropriates \$479,016 General Fund and authorizes the establishment of two permanent full-time positions (2.00 FTE) in the Administrative Services Division - Human Resources and Procurement Sections.

The two positions were previously authorized as limited duration until the long-term need for these positions could be assessed. Two positions support the Commission's human resources function and one position provides additional support for procuring and administering provider contracts.

The positions are: two Human Resources Analyst 2s (2.00 FTE) and one Program Analyst 4 (1.00 FTE).

LFO Recommendation Approve the request.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>943,320</b>	-	-	-	-	-	<b>943,320</b>	<b>3</b>	<b>3.00</b>
------------------------	----------------	---	---	---	---	---	----------------	----------	-------------

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 109 CSS Position**

Package Description This package appropriates \$235,394 General Fund and authorized the establishment of one permanent full-time position (1.00 FTE) to review Preauthorized or Nonroutine Expenses. The package includes \$30,388 of related Services and Supplies.

Preauthorized Expenses include: transcriptionists, investigators, interpreters, mitigators, social workers, psychologists, polygraph examiners, and forensic experts, such as firearm experts, arson experts, deoxyribonucleic acid (DNA) experts, and medical experts that fall outside regular, routine case-mandated expenses.

The position is a Program Analyst 1 (1.00 FTE).

LFO Recommendation Approve the request.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>235,394</b>	-	-	-	-	-	<b>235,394</b>	<b>1</b>	<b>1.00</b>
------------------------	----------------	---	---	---	---	---	----------------	----------	-------------

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 801 LFO Analyst Adjustments**

Package Description This package reduces General Fund by \$138,278 for unexpended General Fund carried forward from the 2019-21 biennium.

The Commission, as a Judicial Branch agency, is allowed by statute to retain unexpended General Fund appropriations from the previous biennium; however, carryforward amounts are one-time expenditures and therefore are to be phase-out of the following biennium's budget. The carryforward amount has been adjusted to account for inflation (\$132,450 + \$5,828 inflation factor = \$138,278).

LFO Recommendation Approve the adjustment.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>(138,278)</b>	-	-	-	-	-	<b>(138,278)</b>	-	-
------------------------	------------------	---	---	---	---	---	------------------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2021-23 Agy. Leg. Adopted</b>	-	-	-	-	-	-	-	-	-
2021-23 Ebds, SS & Admin Act	380,436	-	-	-	-	-	380,436	1	0.50
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	<b>380,436</b>	-	-	-	-	-	<b>380,436</b>	<b>1</b>	<b>0.50</b>
<b>2021-23 Leg Approved Budget (Base)</b>	<b>380,436</b>	-	-	-	-	-	<b>380,436</b>	<b>1</b>	<b>0.50</b>
Summary of Base Adjustments	(110,456)	-	-	-	-	-	(110,456)	(1)	(0.50)
<b>2023-25 Base Budget</b>	<b>269,980</b>	-	-	-	-	-	<b>269,980</b>	-	-
030: Inflation & Price List Adjustments	23,218	-	-	-	-	-	23,218	-	-
<b>2023-25 Current Service Level</b>	<b>293,198</b>	-	-	-	-	-	<b>293,198</b>	-	-
<b>Adjusted 2023-25 Current Service Level</b>	<b>293,198</b>	-	-	-	-	-	<b>293,198</b>	-	-
<b>Total LFO Recommended Packages</b>	<b>6,234,802</b>	-	-	-	-	-	<b>6,234,802</b>	-	-
<b>2023-25 Legislative Actions</b>	<b>6,528,000</b>	-	-	-	-	-	<b>6,528,000</b>	-	-
Net change from 2021-23 Leg Approved Budget	6,147,564	-	-	-	-	-	6,147,564	(1)	(0.50)
Percent change from 2021-23 Leg Approved Budget	1615.9%	0.0%	0.0%	0.0%	0.0%	0.0%	1615.9%	(100.0%)	(100.0%)
Net change from 2023-25 Adj Current Service Level	6,234,802	-	-	-	-	-	6,234,802	-	-
Percent change from 2023-25 Adj Current Service Level	2126.5%	0.0%	0.0%	0.0%	0.0%	0.0%	2126.5%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 801 LFO Analyst Adjustments**

Package Description This package increases General Fund by \$6,234,802 for Services and Supplies and includes the elimination of current service level expenditures and the transfer of county discovery costs from Nonroutine Expenses.

The purpose of the package is to make three adjustments: (a) reduce the base budget for services and supplies for which the one-time funding and should have been phased-out of the budget (\$269,980); (b) reduce the corresponding Essential Package 031 - Standard Inflation adjustment for which the one-time funding for this program was ineligible (\$23,218); and (c) increase the budgetary transparency of discovery costs paid by the Commission to counties by discretely budgeting the cost (\$6,000,000 + \$528,000 inflation factor = \$6,528,000).

LFO Recommendation Approve the adjustment.

Budget Instructions The Public Defense Services is directed to conduct routine auditing of county invoices requesting the reimbursement of discovery costs, as required for any invoice submitted to the state for reimbursement.

LFO Analyst Notes SB 5532 (2023)

<b>LFO Recommended</b>	<b>6,234,802</b>	-	-	-	-	-	<b>6,234,802</b>	-	-
------------------------	------------------	---	---	---	---	---	------------------	---	---

# Legislatively Proposed 2023 - 2025 Key Performance Measures

Published: 6/5/2023 5:38:13 PM

**Agency:** Public Defense Services Commission

**Mission Statement:**

Ensure the delivery of quality public defense services in Oregon in the most cost-efficient manner possible.

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2024	Target 2025
1. APPELLATE CASE PROCESSING - Median number of days to file opening brief.		Approved	210	180	180
2. CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.	Timeliness	Approved	57%	95%	95%
	Accuracy		64%	95%	95%
	Availability of Information		46%	95%	95%
	Overall		46%	95%	95%
	Helpfulness		60%	95%	95%
	Expertise		60%	95%	95%
3. BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.		Approved	73%	100%	100%
4. TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1] Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases.		Approved	69%	90%	90%
5. PARENT CHILD REPRESENTATION PROGRAM (PCRP) - Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.[1] [1] For a discussion on determining decision-making capacity, see The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary, Oregon State Bar, Report of the Task Force on Standards of Representation in Juvenile Dependency Cases (2014).		Approved	20%	95%	95%

**LFO Recommendation:**

The Commission's most recently reported Key Performance Measure (KPM) outcomes exhibit suboptimal performance being reported across-the-board with the exception of the Appellate Division.

The Commission was directed by the 2021 Legislature (HB 5030) "...to work with the Legislative Fiscal Office to undertake a comprehensive review and restructuring of the Commission's KPMS, targets, and data to align with the new programmatic structure of the agency. Proposed KPM and target changes are to be submitted to the Legislature in 2023, based on the routine schedule for submission of KPM changes."

Over the course of almost two-years, the Commission has undertaken little discernable effort to comply with the direction of the Legislature. In addition, the Commission itself has had little to no substantive discussion surrounding the quality of representation. The absence of meaningful performance measures and standards of quality for public defense should be deemed unacceptable by both the Commission and the Legislature given the state's obligations to provide public defense to financially eligible defendants/persons as well as to ensure that the material financial commitment made by the legislature to fund public defense is being effectively and efficiently used to achieve the desired outcome(s) for financially eligible defendants/persons.



The Legislative Fiscal Office recommends approval of the Commission's existing Performance Measurements and targets with direction that the Chair and the Executive Director of the Public Defense Service Commission report to the 2024 Legislative Session on the Commission's Key Performance Measures and Targets.

**SubCommittee Action:**

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO  
SENATE BILL 5532**

1 On page 1 of the printed bill, delete lines 5 through 29 and delete page  
2 2 and insert:

3 **“SECTION 1. There are appropriated to the Public Defense Services**  
4 **Commission, for the biennium beginning July 1, 2023, out of the Gen-**  
5 **eral Fund, the following amounts, for the following purposes:**

- 6 (1) Executive Division ..... \$ 3,748,644
- 7 (2) Compliance, Audit and  
8 Performance Division..... \$ 5,599,837
- 9 (3) Appellate Division ..... \$ 24,491,812
- 10 (4) Adult Trial Division ..... \$255,217,575
- 11 (5) Juvenile Trial Division..... \$ 49,122,335
- 12 (6) Preauthorized Expenses..... \$ 54,837,645
- 13 (7) Court Mandated Expenses ..... \$ 51,554,603
- 14 (8) Parent Child Representation  
15 Program ..... \$ 47,475,727
- 16 (9) Administrative Services  
17 Division ..... \$ 16,141,278
- 18 (10) Special Programs, Contracts  
19 and Distributions Division ..... \$ 6,528,000

20 **“SECTION 2. Notwithstanding any other law limiting expenditures,**  
21 **the following amounts are established for the biennium beginning July**

1 1, 2023, as the maximum limits for payment of expenses from fees,  
2 moneys or other revenues, including Miscellaneous Receipts, but ex-  
3 cluding lottery funds and federal funds, collected or received by the  
4 Public Defense Services Commission, for the following purposes:

- 5 (1) Juvenile Trial Division..... \$ 4,352,000
- 6 (2) Preauthorized Expenses..... \$ 1
- 7 (3) Court Mandated Expenses ..... \$ 4,449,667
- 8 (4) Parent Child Representation  
9 Program ..... \$ 11,968,000

10 **“SECTION 3.** (1) In addition to and not in lieu of any other appro-  
11 priation, there is appropriated to the Emergency Board, for the  
12 biennium beginning July 1, 2023, out of the General Fund, the amount  
13 of \$3,000,000, to be allocated to the Public Defense Services Commission  
14 for Adult Trial Division or Juvenile Trial Division caseload costs the  
15 commission is unable to mitigate during the interim legislative peri-  
16 ods.

17 **“(2)** If any of the moneys appropriated by subsection (1) of this  
18 section are not allocated by the Emergency Board prior to December  
19 1, 2024, the moneys remaining on that date become available for any  
20 purpose for which the Emergency Board lawfully may allocate funds.

21 **“SECTION 4.** Notwithstanding any other provision of law, the  
22 General Fund appropriation made to the Public Defense Services  
23 Commission by section 1 (5), chapter 444, Oregon Laws 2021, for the  
24 biennium ending June 30, 2023, for Nonroutine Expenses, is decreased  
25 by \$413,560.

26 **“SECTION 5.** Notwithstanding any other provision of law, the  
27 General Fund appropriation made to the Public Defense Services  
28 Commission by section 1 (6), chapter 444, Oregon Laws 2021, for the  
29 biennium ending June 30, 2023, for Court Mandated Expenses, is de-  
30 creased by \$3,396,146.

1        **“SECTION 6. This 2023 Act being necessary for the immediate**  
2 **preservation of the public peace, health and safety, an emergency is**  
3 **declared to exist, and this 2023 Act takes effect July 1, 2023.”.**

4

---