

# Senate Bill 1093

Sponsored by Senator SOLLMAN, Representative EVANS

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs presiding judge of each judicial district to develop and implement coordinated public safety unrepresented defendant crisis plan, and submit plan to Oregon Criminal Justice Commission, by specified date. Directs presiding judge of judicial district of certain population to convene crisis team to assist in developing and implementing plan.

Directs Public Defense Services Commission to promulgate and disseminate guidance on crisis plans, develop training plan concerning unrepresented defendant crisis and report to legislature by specified date.

Directs Oregon Criminal Justice Commission to report to legislature on crisis plan findings by specified date.

Appropriates moneys to Public Defense Services Commission for implementing crisis plans.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to public defense; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. The Legislative Assembly finds that:**

5 (1) **Oregonians accused of a crime are entitled, under the Sixth and Fourteenth Amend-**  
6 **ments of the United States Constitution, and Article I, section 11, of the Oregon Constitu-**  
7 **tion, to have an attorney provided at government expense whenever the person is facing the**  
8 **potential loss of liberty and is unable to afford an attorney.**

9 (2) **The current unrepresented defendant crisis represents a threat to the constitutional**  
10 **rights of Oregonians and must be resolved.**

11 **SECTION 2. (1)(a) The presiding judge of each judicial district shall immediately develop**  
12 **and implement a coordinated public safety unrepresented defendant crisis plan, and submit**  
13 **the plan to the Oregon Criminal Justice Commission, as soon as practicable and no later**  
14 **than September 1, 2023.**

15 (b) **The plan described in this subsection must first prioritize the resolution of the cases**  
16 **of unrepresented defendants who are in custody, and then the cases of unrepresented de-**  
17 **fendants who are out of custody.**

18 (2) **The presiding judge of a judicial district with a total population of over 100,000 shall**  
19 **immediately convene a crisis team to assist in the development of the plan and to coordinate**  
20 **the implementation of the plan described in subsection (1) of this section. The team shall be**  
21 **composed of at least the following persons:**

22 (a) **The presiding judge of the judicial district;**

23 (b) **District attorneys within the judicial district; and**

24 (c) **The public defense services executive director, or the director's designee.**

25 (3) **The Chief Justice of the Supreme Court may issue orders related to resolving the**  
26 **unrepresented defendant crisis.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) The presiding judge of a judicial district may enter standing orders related to resolv-  
 2 ing the unrepresented defendant crisis that are consistent with the orders of the Chief Jus-  
 3 tice described in subsection (3) of this section and the plan of the judicial district described  
 4 in subsection (1) of this section.

5 **SECTION 3.** The Public Defense Services Commission shall:

6 (1) By no later than August 15, 2023, promulgate and disseminate guidance for the judicial  
 7 district coordinated public safety unrepresented defendant crisis plans described in section  
 8 2 of this 2023 Act.

9 (2) By no later than September 1, 2023, develop a training plan for public defense pro-  
 10 viders specific to the unrepresented defendant crisis, in consultation and cooperation with  
 11 public defense provider associations and organizations.

12 (3) By no later than October 1, 2023, report to the Joint Interim Committee on Ways and  
 13 Means and the interim committees of the Legislative Assembly related to the judiciary, in  
 14 the manner provided in ORS 192.245, on the commission’s progress in carrying out the pro-  
 15 visions described in subsections (1) and (2) of this section.

16 **SECTION 4.** The Oregon Criminal Justice Commission shall conduct a review of each  
 17 judicial district’s coordinated public safety unrepresented defendant crisis plan submitted to  
 18 the commission under section 2 of this 2023 Act. The commission shall report the  
 19 commission’s findings to the Joint Interim Committee on Ways and Means and the interim  
 20 committees of the Legislative Assembly related to the judiciary, in the manner provided in  
 21 ORS 192.245, no later than October 1, 2023.

22 **SECTION 5.** All agencies of state government, as defined in ORS 174.111, are directed to  
 23 assist the presiding judges of judicial districts, the Public Defense Services Commission and  
 24 the Oregon Criminal Justice Commission in the performance of their duties under sections  
 25 2 to 4 of this 2023 Act and, to the extent permitted by laws relating to confidentiality, to  
 26 furnish such information and advice to the judges and commissions necessary to perform  
 27 their duties.

28 **SECTION 6.** In addition to and not in lieu of any other appropriation, there is appropri-  
 29 ated to the Public Defense Services Commission, for the biennium beginning July 1, 2023, out  
 30 of the General Fund, the amount of \$\_\_\_\_\_, for the purposes of funding public defense ex-  
 31 penses related to implementing the crisis plans described in section 2 of this 2023 Act.

32 **SECTION 7.** Sections 1 to 5 of this 2023 Act are repealed on June 30, 2025.

33 **SECTION 8.** This 2023 Act being necessary for the immediate preservation of the public  
 34 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect  
 35 on its passage.