

**PROPOSED CONFERENCE COMMITTEE AMENDMENTS TO  
B-ENGROSSED HOUSE BILL 2614**

1 On page 1 of the printed B-engrossed bill, line 13, delete “July 1, 2033”  
2 and insert “January 1, 2026”.

3 On page 12, delete lines 36 through 45 and delete pages 13 and 14.

4 On page 15, delete lines 1 through 35 and insert:

5 **“SECTION 6.** ORS 151.216, as amended by sections 78, 94 and 101, chap-  
6 ter 281, Oregon Laws 2023, is amended to read:

7 “151.216. (1) The Oregon Public Defense Commission shall:

8 “(a) Establish and maintain a public defense system that ensures the  
9 provision of public defense services consistent with the Oregon Constitution,  
10 the United States Constitution and Oregon and national standards of justice.

11 “(b) Adopt policies for public defense providers that:

12 “(A) Ensure compensation, resources and caseloads are in accordance  
13 with [*national and regional best practices*] **the requirements of the Oregon  
14 and United States Constitutions;**

15 “[*(B) Ensure all public defense provider contracts provide for compensation  
16 that is commensurate with the character of service performed;*]

17 “[*(C)*] **(B)** Ensure funding and resources to support required data col-  
18 lection and training requirements; and

19 “[*(D)*] **(C)** Recognize the need to consider overhead costs that account for  
20 the cost of living and business cost differences in each county or jurisdiction,  
21 including but not limited to rent, professional membership dues, malpractice  
22 insurance and other insurance and other reasonable and usual operating

1 costs.

2 “(c) Establish operational and contracting systems that allow for over-  
3 sight, ensure transparency and stakeholder engagement and promote equity,  
4 inclusion and culturally specific representation.

5 “(d) Review the caseload policies described in paragraph (b)(A) of this  
6 subsection annually, and revise the policies as necessary and at least every  
7 four years.

8 “(e) Adopt a statewide workload plan, based on the caseload policies de-  
9 scribed in paragraph (b)(A) of this subsection, that takes into account the  
10 needs of each county or jurisdiction, practice structure and type of practice  
11 overseen by the commission.

12 “(f) Submit [*the budget of the commission to the Legislative Assembly after*  
13 *the budget is submitted to the commission by the executive director and ap-*  
14 *proved by the voting members of the commission. The chairperson of the com-*  
15 *mission shall present the budget to the Legislative Assembly] **an agency**  
16 **request budget to the Oregon Department of Administrative Services**  
17 **as described in ORS 291.208.***

18 “(g) Adopt a compensation plan, classification system and affirmative  
19 action plan for the commission that are commensurate with other state  
20 agencies.

21 “(h) Adopt policies, procedures, standards and guidelines regarding:

22 “(A) The determination of financial eligibility of persons entitled to be  
23 represented by appointed counsel at state expense;

24 “(B) The appointment of counsel, including the appointment of counsel  
25 at state expense regardless of financial eligibility in juvenile delinquency  
26 matters;

27 “(C) The fair compensation of counsel appointed to represent a person  
28 financially eligible for appointed counsel at state expense;

29 “(D) Appointed counsel compensation disputes;

30 “(E) The costs associated with the representation of a person by appointed

1 counsel in the state courts that are required to be paid by the state; and

2 “(F) The types of fees and expenses subject to a preauthorization re-  
3 quirement.

4 “(i) Reimburse the State Court Administrator from funds deposited in the  
5 Public Defense Services Account established by ORS 151.225 for the costs of  
6 personnel and other costs associated with location of eligibility verification  
7 and screening personnel pursuant to ORS 151.489 by the State Court Ad-  
8 ministrator.

9 “(j) Develop, adopt and oversee the implementation, enforcement and  
10 modification of policies, procedures, minimum standards and guidelines to  
11 ensure that public defense providers are providing effective assistance of  
12 counsel consistently to all eligible persons in this state as required by stat-  
13 ute and the Oregon and United States Constitutions. The policies, proce-  
14 dures, standards and guidelines described in this paragraph apply to  
15 employees of the commission and to any person or entity that contracts with  
16 the commission to provide public defense services in this state.

17 “(k) Set minimum standards by which appointed counsel are trained and  
18 supervised.

19 “(L) Establish a system, policies and procedures for the mandatory col-  
20 lection of data concerning the operation of the commission and all public  
21 defense providers.

22 “(m) Enter into contracts and hire attorneys to bring the delivery of  
23 public defense services into and maintain compliance with the minimum  
24 policies, procedures, standards and guidelines described in this subsection.  
25 All contracts for the provision of public defense services to which the com-  
26 mission is a party must include a requirement for collection by the commis-  
27 sion of data determined by the commission to be qualitatively necessary for  
28 any report required to be submitted to the Legislative Assembly.

29 “(n) At least once every two years, report to the interim committees of  
30 the Legislative Assembly related to the judiciary, in the manner provided in

1 ORS 192.245, and to the Governor and Chief Justice, concerning compliance  
2 metrics for the minimum standards described in this subsection and recom-  
3 mendations for legislative changes.

4 “(o) Develop standard operating expectations for persons and entities  
5 providing public defense services.

6 “(p) In consultation with the Judicial Department, ensure the existence  
7 of policies that create a standardized process for determining and verifying  
8 financial eligibility for appointed counsel under ORS 151.485.

9 “(q) Ensure access to systematic and comprehensive training programs for  
10 attorneys for the purpose of meeting statewide standards set by the commis-  
11 sion.

12 “(r) Enter into contracts or interagency agreements with the Oregon De-  
13 partment of Administrative Services for the purpose of supporting state  
14 public defense population forecasts and other related forecasts.

15 “(s) Establish any other policies, procedures, standards and guidelines for  
16 the conduct of the commission’s affairs and promulgate policies necessary to  
17 carry out all powers and duties of the commission.

18 “(2) When establishing the minimum policies, procedures, standards and  
19 guidelines described in this section, the commission shall adhere to the fol-  
20 lowing principles:

21 “(a) Appointed counsel shall be provided sufficient time and a space  
22 where attorney-client confidentiality is safeguarded for meetings with cli-  
23 ents.

24 “(b) The workload of appointed counsel must be controlled to permit ef-  
25 fective representation. Economic disincentives or incentives that impair the  
26 ability of appointed counsel to provide effective assistance of counsel must  
27 be avoided. The commission may develop workload controls to enhance ap-  
28 pointed counsel’s ability to provide effective representation.

29 “(c) The ability, training and experience of appointed counsel must match  
30 the nature and complexity of the case to which the counsel is appointed.

1 “(d) The same appointed counsel shall continuously represent a client  
2 throughout the pendency of the case and shall appear at every court ap-  
3 pearance other than ministerial hearings.

4 “(e) The commission shall establish continuing legal education require-  
5 ments for public defense providers who are employed by or contract with the  
6 commission that are specific to the subject matter area and practice of each  
7 type of court-appointed counsel.

8 “(f) The commission and public defense providers shall systematically re-  
9 view appointed counsel for efficiency and for effective representation ac-  
10 cording to commission standards.

11 “(3) The commission shall be organized in a manner for the effective de-  
12 livery of public defense services as prescribed by the policies and procedures  
13 created pursuant to statute to financially eligible persons and consistent  
14 with the budgetary structure established for the commission by the Legisla-  
15 tive Assembly.

16 “(4) The commission shall hire attorneys to serve as appointed counsel,  
17 including at the trial level in Oregon circuit courts, and shall establish a  
18 trial division within the commission consisting of attorneys employed by the  
19 commission who are trial-level public defense providers.

20 “(5)(a) The commission shall establish, supervise and maintain a panel of  
21 qualified counsel who contract with the commission and are directly assigned  
22 to cases. The commission shall develop a process for certification of attor-  
23 neys to the panel with periodic eligibility and case review. Panel attorneys  
24 are not employees of the commission.

25 “(b) The payment of panel counsel:

26 “(A) May not be lower than the hourly rate established by the commis-  
27 sion.

28 “(B) Shall be adjusted to reflect the same percentage amount of any pos-  
29 itive cost of living adjustment granted to employees in the management ser-  
30 vice in other executive branch agencies.

1 “(C) May not provide a financial conflict of interest or economic incen-  
2 tives or disincentives that impair an attorney’s ability to provide effective  
3 representation.

4 “(6)(a) The commission may enter into contracts for the provision of  
5 public defense services with nonprofit public defense organizations **and pri-  
6 vate law firms.**

7 “**(b) The commission may enter into contracts with entities that  
8 subcontract with other entities or persons for the provision of public  
9 defense services.**

10 “[*(b)*] (c) The commission may not enter into a contract or agreement that  
11 pays appointed counsel a flat fee per case.

12 “(7) The policies, procedures, standards and guidelines adopted by the  
13 commission must be made available in an accessible manner to the public  
14 on the commission’s website.

15 “(8) Policies, procedures, standards and guidelines adopted by the com-  
16 mission supersede any conflicting rules, policies or procedures of the Public  
17 Defender Committee, State Court Administrator, circuit courts, the Court of  
18 Appeals, the Supreme Court and the Psychiatric Security Review Board re-  
19 lated to the exercise of the commission’s administrative responsibilities un-  
20 der this section and transferred duties, functions and powers as they occur.

21 “(9) The commission may accept gifts, grants or contributions from any  
22 source, whether public or private. However, the commission may not accept  
23 a gift, grant or contribution if acceptance would create a conflict of interest.  
24 Moneys accepted under this subsection shall be deposited in the Public De-  
25 fense Services Account established by ORS 151.225 and expended for the  
26 purposes for which given or granted.

27 “[*(10) With the approval of a majority of the voting members of the com-  
28 mission, the commission may advocate for or against legislation before the  
29 Legislative Assembly or policies or budgets being considered by the Legislative  
30 Assembly.*]

