

**A-Engrossed**  
**House Bill 4043**

Ordered by the House February 18  
Including House Amendments dated February 18

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Representative Jason Kropf)

**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. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest: The Act lets the State Treasurer issue bonds to pay to expand or renovate courthouses. The Act also changes who has to notify the court, and when, if a defendant found unfit to proceed is not complying with CRS. (Flesch Readability Score: 65.5).**

*[Digest: The Act lets the State Treasurer issue bonds to pay to expand or renovate courthouses. (Flesch Readability Score: 61.8).]*

Authorizes the State Treasurer to issue Article XI-Q general obligation bonds to finance renovation or expansion of courthouses.

**Directs the community mental health program director to notify the court within two judicial days when a defendant found unfit to proceed is not complying with community restoration services. Authorizes the director to delegate the duty to the entity providing the services.**

**A BILL FOR AN ACT**

1  
2 Relating to courts; amending ORS 1.181, 1.183 and 1.184 and section 45, chapter 559, Oregon Laws  
3 2025.

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

5 **SECTION 1.** ORS 1.181 is amended to read:

6 1.181. (1) Out of the amount specified in section 1 (6), chapter 705, Oregon Laws 2013, the State  
7 Treasurer may issue Article XI-Q bonds in an amount not to exceed \$19 million of net proceeds for  
8 the purposes specified in subsection [(3)] **(6)** of this section, plus an amount estimated by the State  
9 Treasurer to pay estimated bond-related costs.

10 (2)[(a)] Bonds may not be issued pursuant to this section or section 10, chapter 685, Oregon  
11 Laws 2015, unless[:] **a courthouse project meets the requirements of subsection (3) or (4) of**  
12 **this section.**

13 **(3) Bonds may be issued pursuant to this section or section 10, chapter 685, Oregon Laws**  
14 **2015, if:**

15 [(A)] **(a)** The Chief Justice of the Supreme Court has determined that:

16 [(i)] **(A)** The courthouse with respect to which the bonds will be issued has significant structural  
17 defects, including seismic defects, that present actual or potential threats to human health and  
18 safety;

19 [(ii)] **(B)** Replacing the courthouse, whether by acquiring and remodeling or repairing an exist-  
20 ing building or by constructing a new building, is more cost-effective than remodeling or repairing  
21 the courthouse; and

22 [(iii)] **(C)** Replacing the courthouse creates an opportunity for colocation of the court with other

**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 state offices; and

2 [(B)] (b) The Oregon Department of Administrative Services has approved the project for which  
3 the bonds will be issued.

4 (4) Bonds may be issued pursuant to this section or section 10, chapter 685, Oregon Laws  
5 2015, if:

6 (a) The Chief Justice of the Supreme Court has determined that:

7 (A) Renovating or expanding the court space in the courthouse, by remodeling or re-  
8 pairing the existing courthouse space or by constructing an addition to the existing court-  
9 house building, will directly benefit the court and is more feasible than replacing the  
10 courthouse;

11 (B) Renovating or expanding the courthouse creates or maintains an opportunity for  
12 colocation of the circuit court with other state offices;

13 (C) The renovated or expanded courthouse would significantly improve the court facility,  
14 according to criteria adopted by the Chief Justice; and

15 (D) If applicable, the project includes the remediation of significant building defects that  
16 present actual or potential threats to human health and safety in the existing courthouse  
17 building; and

18 (b) The Oregon Department of Administrative Services has approved the project for  
19 which the bonds will be issued.

20 [(b)] (5) The Oregon Department of Administrative Services, after consultation with the Judicial  
21 Department, shall determine when net proceeds are needed for the purposes described in subsection  
22 [(3)] (6) of this section and shall consult with the Judicial Department regarding the sale of bonds  
23 to be issued pursuant to this section.

24 [(3)] (6) The State Treasurer shall deposit the net proceeds of bonds issued pursuant to this  
25 section and section 10, chapter 685, Oregon Laws 2015, in the Oregon Courthouse Capital Con-  
26 struction and Improvement Fund. The net proceeds and any interest earnings may be used solely to  
27 finance costs related to acquiring, constructing, remodeling, repairing, equipping or furnishing land,  
28 improvements, courthouses or portions of courthouses that are, or that upon completion of a project  
29 funded under this section will be, owned or operated by the State of Oregon.

30 [(4)] (7) As used in ORS 286A.816 to 286A.826 with respect to this section:

31 (a) "Project agency" means the Judicial Department.

32 (b) "Project fund" means the Oregon Courthouse Capital Construction and Improvement Fund.

33 **SECTION 2.** ORS 1.183 is amended to read:

34 1.183. (1)(a) Notwithstanding ORS 1.185, a county and the state, acting by and through the  
35 Oregon Department of Administrative Services on behalf of the Judicial Department, may enter into  
36 interim agreements that provide for the funding, acquisition, development, [and] **renovation, ex-**  
37 **pansion or** construction of a courthouse and require the parties to negotiate in good faith and ex-  
38 ecute a long-term lease agreement or a long-term intergovernmental agreement with respect to the  
39 ownership or operation of a courthouse or portions of a courthouse that the county is required to  
40 provide under ORS 1.185, pursuant to which the state agrees to provide the property and services  
41 described in ORS 1.185 (1)(a).

42 (b)(A) An agreement entered into pursuant to this subsection **for a courthouse replacement**  
43 **project under ORS 1.181 (3) or a courthouse improvement project under ORS 1.181 (4)** may  
44 include a requirement that the county transfer to the Oregon Courthouse Capital Construction and  
45 Improvement Fund an amount not less than 50 percent of the total estimated costs of a project

1 funded with bonds issued pursuant to ORS 1.181 or section 10, chapter 685, Oregon Laws 2015, with  
2 respect to the courthouse or portions of a courthouse that are the subject of the agreement.

3 (B) The amount transferred by a county pursuant to this paragraph may comprise, singly or in  
4 any combination and proportion:

5 (i) Property tax revenues, bond proceeds or any other county moneys; and

6 (ii) A credit equal to the higher of the appraised value or the actual purchase price of land  
7 purchased by the county for the courthouse **replacement project** if the state approves of the land  
8 as the site for the courthouse **or for the courthouse improvement project if the state approves**  
9 **of the land as the site necessary to expand the existing courthouse.**

10 (C) The amount required to be transferred by the county under this subsection may not be less  
11 than 75 percent of the total estimated costs unless the project includes **the opportunity for**  
12 colocation in the courthouse of state offices in addition to the state circuit court facilities.

13 (2) For purposes of ORS 1.181 and section 10, chapter 685, Oregon Laws 2015, the state shall  
14 be considered to operate a courthouse or portions of a courthouse that are the subject of an  
15 agreement entered into pursuant to subsection (1) of this section if, as applicable:

16 (a) The lease agreement conveys to the state a full leasehold interest, including exclusive rights  
17 to control and use the courthouse or portions of the courthouse that are typical of a long-term lease,  
18 for a term that is at least equal to the term during which the bonds issued pursuant to ORS 1.181  
19 and section 10, chapter 685, Oregon Laws 2015, will remain outstanding.

20 (b) The intergovernmental agreement grants the state the exclusive right to control and use the  
21 courthouse or portions of the courthouse for a term that is at least equal to the term during which  
22 the bonds issued pursuant to ORS 1.181 and section 10, chapter 685, Oregon Laws 2015, will remain  
23 outstanding.

24 **SECTION 3.** ORS 1.184 is amended to read:

25 1.184. (1) The Oregon Courthouse Capital Construction and Improvement Fund is established in  
26 the State Treasury, separate and distinct from the General Fund. Interest earned on moneys in the  
27 Oregon Courthouse Capital Construction and Improvement Fund shall be credited to the fund.

28 (2) The fund consists of moneys deposited in the fund pursuant to ORS 1.181 and section 10,  
29 chapter 685, Oregon Laws 2015, and moneys transferred to the fund by a county pursuant to ORS  
30 1.183 (1)(b) and may include fees, revenues and other moneys appropriated by the Legislative As-  
31 sembly for deposit in the fund.

32 (3) Moneys in the fund are continuously appropriated to the Judicial Department for:

33 (a) The purposes described in ORS 1.181 [(3)] **(6)**;

34 (b) Payment of the costs incurred by the department to administer the fund; and

35 (c) Payment of bond-related costs, as defined in ORS 286A.816.

36 **SECTION 4.** Section 45, chapter 559, Oregon Laws 2025, is amended to read:

37 **Sec. 45.** (1) For purposes of this section, the purpose of community restoration is the restoration  
38 of the defendant's fitness to proceed in order to continue the criminal case.

39 (2)(a) If the most serious offense in the charging instrument is a violation or a misdemeanor  
40 other than a Class A misdemeanor, the maximum time period that the defendant may be ordered to  
41 engage in community restoration services is 90 days. The time period may be extended by the court  
42 as described in subsection (3) of this section by an additional 90 days, up to a total of 180 days.

43 (b) If the most serious offense in the charging instrument is a Class A misdemeanor other than  
44 a person Class A misdemeanor, the maximum time period that the defendant may be ordered to en-  
45 gage in community restoration services is 90 days. The time period may be extended by the court

1 as described in subsection (3) of this section by additional increments of 90 days, to up to a total  
2 of 365 days.

3 (c) If the most serious offense in the charging instrument is a person Class A misdemeanor or  
4 a contempt charge, the maximum time period that the defendant may be ordered to engage in com-  
5 munity restoration services is six months. The time period may be extended by the court as de-  
6 scribed in subsection (3) of this section by additional increments of six months, to up to a total of  
7 18 months.

8 (d) If the most serious offense in the charging instrument is a felony other than aggravated  
9 murder, a violent felony or a crime listed in ORS 137.700 (2), the maximum time period that the  
10 defendant may be ordered to engage in community restoration services is 12 months. The time period  
11 may be extended by the court as described in subsection (3) of this section by additional increments  
12 of six months, to up to a total of 24 months.

13 (e) If the most serious offense in the charging instrument is aggravated murder, a violent felony  
14 or a crime listed in ORS 137.700 (2), the maximum time period that the defendant may be ordered  
15 to engage in community restoration services is 18 months. The time period may be extended by the  
16 court as described in subsection (3) of this section by additional increments of six months, to up to  
17 a total of 24 months.

18 (3)(a) The court may extend the maximum time periods of community restoration services, up to  
19 the total amounts specified in subsection (2) this section, upon the request of a party as provided  
20 in this subsection.

21 (b) A party may petition for an extension to the maximum period of community restoration de-  
22 scribed in subsection (2) of this section. The petition must be submitted at least five days prior to  
23 the expiration of the maximum period of community restoration. The court may extend the deadline  
24 for filing a petition for good cause.

25 (c) Upon receipt of a petition described in paragraph (b) of this subsection, the court shall hold  
26 a hearing. The hearing must occur within 30 days after the filing of the petition.

27 (d) The court may extend the community restoration period if the court finds:

28 (A) There is clear evidence of progress toward the defendant gaining or regaining fitness to  
29 proceed; and

30 (B) That appropriate services are being made available to the defendant.

31 (e) The petitioning party has the burden of proof.

32 (f) The court may continue the order for the defendant to participate in community restoration  
33 services pending the outcome of the petition.

34 (4) The following time periods may not be considered when calculating the maximum period of  
35 community restoration services under subsection (2) of this section:

36 (a) A period of time between a scheduled court appearance at which the defendant fails to ap-  
37 pear and the next scheduled court appearance at which the defendant appears, other than an ap-  
38 pearance that occurs for the purpose of addressing the failure to appear;

39 (b) A period of time between a scheduled fitness to proceed evaluation at which the defendant  
40 fails to appear and the next scheduled court appearance at which the defendant appears;

41 (c) A period of time during which the defendant is in violation of a release agreement condition  
42 that the court finds negatively impacts the defendant's ability to participate or engage in community  
43 restoration services, as determined by the court;

44 (d) A period of time during which the defendant is in the custody of a local or state correctional  
45 facility;

1 (e) A period of time during which the defendant fails to make reasonable efforts toward gaining  
2 or regaining fitness to proceed, as determined by the court;

3 (f) A period of time during which the defendant is not attending or complying with community  
4 restoration services treatment, and any nonattendance is not excused, as determined by the court;

5 (g) A period of time during which the defendant is noncompliant with taking or receiving, or  
6 verbally refuses to take or receive, prescribed medications, as determined by the court; and

7 (h) A period of time between the defendant's absconsion from a secure residential treatment fa-  
8 cility or other secure placement and the next scheduled court appearance at which the defendant  
9 appears.

10 (5) When a defendant has been ordered to engage in community restoration services:

11 (a) The court shall conduct regular status reviews at least every 45 days. The status review may  
12 consist of the court reviewing a report to the court by the community mental health program di-  
13 rector concerning the defendant's progress. Any report provided to the court for a status review  
14 must include information concerning whether the defendant is making progress toward gaining or  
15 regaining fitness to proceed, what services that are being provided to the defendant and the iden-  
16 tification of any additional services that are required to meet the defendant's restoration needs.

17 (b) The court shall conduct a review hearing at least every 180 days, or every 90 days if the  
18 most serious offense in the charging instrument is a violation, a Class B or Class C misdemeanor  
19 or a Class A misdemeanor other than a person Class A misdemeanor. At the review hearing, the  
20 court shall determine whether the purpose of community restoration is being met, and the court may  
21 take any action authorized under ORS 161.370 (2)(c) at the hearing.

22 (c) The defendant shall be evaluated to determine whether the defendant has gained or regained  
23 fitness to proceed at least every 180 days.

24 (d) If the most serious offense in the charging instrument is a violation, a Class B or Class C  
25 misdemeanor or a Class A misdemeanor other than a person Class A misdemeanor, the court shall  
26 order that an updated evaluation, to determine whether the defendant has gained or regained fitness  
27 to proceed, be conducted and a report submitted to the court prior to the review hearing occurring  
28 90 days after the order to engage in community restoration services is entered.

29 (e) *[A community restoration services provider shall immediately notify the court]* **The community**  
30 **mental health program director, or the entity providing community restoration services to**  
31 **the defendant, if the director delegates the duty to the entity, shall file notice with the court**  
32 **within two judicial days** following the defendant's noncompliance with taking or receiving, or  
33 verbal refusal to take or receive, prescribed medications, or **any other** noncompliance or unexcused  
34 absence from community restoration services treatment. The notice shall contain a description of  
35 **the noncompliance and** efforts taken to engage the defendant in taking or receiving medication  
36 or attending and complying with treatment services. The *[community restoration services provider]*  
37 **notifying party** shall additionally notify the court if the defendant thereafter begins taking or re-  
38 ceiving prescribed medications or attending and complying with treatment services.