

## HB 3164 A STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Action Date:** 04/01/19

**Action:** Do pass with amendments and be referred to Ways and Means by prior reference.  
(Printed A-Eng.)

**Vote:** 8-0-3-0

**Yeas:** 8 - Barker, Gorsek, Greenlick, McLane, Power, Sprenger, Stark, Williamson

**Exc:** 3 - Bynum, Lewis, Piluso

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Addie Smith, Counsel

**Meeting Dates:** 3/20, 4/1

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#### WHAT THE MEASURE DOES:

Instructs the Office of Public Defense Services (OPDS) to distribute money to the Metropolitan Public Defender Services to establish and administer a two-year pilot program for civil legal services including housing, family law, public benefits, financial obligations, consumer debt, and expungement to persons charged with criminal offenses. Requires Metropolitan Public Defender Services to collect specific data that it must provide to OPDS. Requires OPDS to assist in data collection. Requires OPDS to report to the Legislative Assembly on or before September 15, 2021. Appropriates \$550,000 to OPDS for the pilot program. Repeals the measure on January 2, 2022. Declares emergency, effective on passage.

#### ISSUES DISCUSSED:

- National best practices in public defense
- Cost savings of holistic defense
- Successes of current Community Law Division at Metropolitan Public Defender Services

#### EFFECT OF AMENDMENT:

Replaces the measure.

#### BACKGROUND:

In recent years, holistic public defense has arisen as a national best practice. This practice model is based on a belief that the most effective form of criminal defense representation addresses not just the criminal case, but also the collateral consequences of criminal justice involvement, such as employment, public housing, custody of one's children, immigration status, and any underlying issues that may have factored into the defendant's involvement in the criminal justice system. To meet those objectives, holistic defense is provided by a team that includes criminal defense lawyers and their related support staff working in addition to lawyers who have expertise in civil, family, and immigration law, and when appropriate, social workers and nonlawyer advocates.

Currently, Metropolitan Public Defender Services, the largest public defender non profit in Oregon, hosts a small Community Law Division. The program serves past and current clients of Metropolitan Public Defender Services Criminal Division and clients of established community partners. The program has three key focuses: the veteran's project, record clearing, and immigration defense. When appropriate, it also assists clients with issues related to family law and protective orders, housing and homelessness, public benefits, and guardianship.

House Bill 3164 A creates a two-year pilot program to address the civil legal needs of Metropolitan Public Defender Services' clients including housing, family law, public benefits, financial obligations, consumer debt and expungement. HB 3164 A also requires data collection on the civil legal services provided by Metropolitan Public Defender Services and a report to the Legislative Assembly on the outcomes of the pilot no later than September

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15, 2021.