

## HOUSE AMENDMENTS TO HOUSE BILL 4007

By COMMITTEE ON JUDICIARY

February 15

- 1 In line 2 of the printed bill, after “courts” insert “; and prescribing an effective date”.
- 2 After line 2, insert:
- 3 “Whereas Oregon has an inadequate number of public defenders; and
- 4 “Whereas Oregon needs at least 1,296 more attorneys to provide effective assistance of counsel;
- 5 and
- 6 “Whereas public defenders provide counsel in adult criminal, juvenile delinquency, juvenile de-
- 7 pendency, post-conviction relief, habeas, civil commitment and protective proceedings, as required
- 8 by Oregon statutes, the Oregon Constitution or the United States Constitution; and
- 9 “Whereas Oregon provides trial-level counsel only through private contract; and
- 10 “Whereas a long-term solution will take time, but the need for additional attorneys is immediate;
- 11 and
- 12 “Whereas many attorneys have high student loan debts that make it financially impractical to
- 13 become public defenders; and
- 14 “Whereas a large number of public defense providers in Oregon are not eligible for federal stu-
- 15 dent loan forgiveness because they do not meet eligibility criteria; now, therefore,”.
- 16 Delete lines 4 through 7 and insert:
- 17 **“SECTION 1. (1) As used in this section, ‘public defense attorney’ means an attorney:**
- 18 **“(a) Who is appointed to represent eligible individuals as required by Oregon statutes, the**
- 19 **Oregon Constitution or the United States Constitution;**
- 20 **“(b) Whose legal work is funded by the office of public defense services; and**
- 21 **“(c) Who meets any further definition of ‘public defense attorney’ set forth by the**
- 22 **Oregon State Bar.**
- 23 **“(2) The Public Defense Services Student Loan Repayment Assistance Program is estab-**
- 24 **lished in the Oregon State Bar.**
- 25 **“(3) The program shall provide forgivable loans to an eligible public defense attorney for**
- 26 **up to \$25,000 in payments of principal and interest on outstanding public or private student**
- 27 **loans for each 12 months of service as a public defense attorney. The program may provide**
- 28 **forgivable loans to a public defense attorney up to a total of \$200,000.**
- 29 **“(4) A public defense attorney is eligible for the program if:**
- 30 **“(a) The attorney resides in this state;**
- 31 **“(b) The attorney practices public defense services in this state full time or part time,**
- 32 **as defined by the Oregon State Bar, while participating in the program;**
- 33 **“(c) The attorney commits to provide public defense services for a period of three years;**
- 34 **and**
- 35 **“(d) The attorney meets other requirements established by the Oregon State Bar under**

1 subsection (5) of this section.

2 “(5) The Oregon State Bar shall adopt policies for administration of the program, in-  
3 cluding eligibility and application requirements. The policies may provide that amounts of  
4 forgivable loans for student loan payments be based on the amount of the attorney’s practice  
5 that is providing public defense services.

6 “**SECTION 2.** No later than August 31 of each year, the Oregon State Bar shall report  
7 on the Public Defense Services Student Loan Repayment Assistance Program to a committee  
8 or interim committee of the Legislative Assembly related to the judiciary. The report must  
9 include:

10 “(1) The number of attorneys who entered the program, and the month and year of entry.

11 “(2) The average amount of forgivable loans provided to a participant.

12 “(3) The total amount of forgivable loans provided.

13 “(4) The number of attorneys who participated in the program in each county.

14 “(5) The number of clients and cases and the case types in which public defense services  
15 were provided, disaggregated by anonymous participation.

16 “(6) The number of attorneys who report that participation in the program is a sub-  
17 stantial factor in removing economic barriers to the attorney’s ability to perform public de-  
18 fense services.

19 “(7) The average amount of outstanding student loan debt for each participant.

20 “(8) Other information that is useful in evaluating the program.

21 “**SECTION 3.** (1) The Oregon State Bar shall start accepting applications for the Public  
22 Defense Services Student Loan Repayment Assistance Program established in section 1 of  
23 this 2022 Act no later than September 1, 2022.

24 “(2) The Oregon State Bar shall make the first report under section 2 of this 2022 Act  
25 no later than August 31, 2023.

26 “**SECTION 4.** Section 5 of this 2022 Act is added to and made a part of ORS chapter 316.

27 “**SECTION 5.** (1) In computing Oregon taxable income for purposes of this chapter, there  
28 shall be subtracted from federal taxable income an amount equal to loan repayment assist-  
29 ance paid to the taxpayer under section 2 of this 2022 Act if the individual to whom the as-  
30 sistance was paid is listed on the return.

31 “(2) The amount of subtraction allowed under subsection (1) of this section shall be re-  
32 duced by any deduction allowed for the same amounts to the taxpayer or any other taxpayer  
33 listed on the return for the tax year under section 221 of the Internal Revenue Code.

34 “**SECTION 6.** In addition to and not in lieu of any other appropriation, there is appro-  
35 priated to the Judicial Department, for the biennium ending June 30, 2023, out of the General  
36 Fund, the amount of \$\_\_\_\_\_, which may be transferred to the Oregon State Bar for the  
37 purpose of providing forgivable loans under the Public Defense Services Student Loan Re-  
38 payment Assistance Program established in section 1 of this 2022 Act. The Oregon State Bar  
39 may use up to five percent of the moneys transferred to pay the administrative costs of the  
40 program.

41 “**SECTION 7.** This 2022 Act takes effect on the 91st day after the date on which the 2022  
42 regular session of the Eighty-first Legislative Assembly adjourns sine die.”.