SENATE AMENDMENTS TO B-ENGROSSED SENATE BILL 337

By JOINT COMMITTEE ON WAYS AND MEANS

June 12

1 On page 89 of the printed B-engrossed bill, after line 13, insert: 2 "UNREPRESENTED DEFENDANT CRISIS PLANS 4 "SECTION 103. The Legislative Assembly finds that: 6 "(1) Oregonians accused of a crime are entitled, under the Sixth and Fourteent 7 Amendments of the United States Constitution, and Article I, section 11, of the Orego 8 Constitution, to have an attorney provided at government expense whenever the person if 9 facing the potential loss of liberty and is unable to afford an attorney. 10 "(2) The current unrepresented defendant crisis represents a threat to the constitution 11 rights of Oregonians and must be resolved. 12 "SECTION 104. (1)(a) The presiding judge of each judicial district shall immediately do 13 velop and implement a coordinated public safety unrepresented defendant crisis plan, an 14 submit the plan to the Oregon Criminal Justice Commission, as soon as practicable and n 15 later than September 1, 2023. "(b) The plan described in this subsection must first prioritize the resolution of the case 17 The plan described in this subsection must first prioritize the resolution of the case 18 of unrepresented defendants who are in custody, and then the cases of unrepresented defendants
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 ⁴ ⁵ <u>SECTION 103.</u> The Legislative Assembly finds that: ⁶ "(1) Oregonians accused of a crime are entitled, under the Sixth and Fourteent ⁷ Amendments of the United States Constitution, and Article I, section 11, of the Orego ⁸ Constitution, to have an attorney provided at government expense whenever the person is ⁹ facing the potential loss of liberty and is unable to afford an attorney. ¹⁰ "(2) The current unrepresented defendant crisis represents a threat to the constitutional ¹¹ rights of Oregonians and must be resolved. ¹² "SECTION 104. (1)(a) The presiding judge of each judicial district shall immediately de ¹³ velop and implement a coordinated public safety unrepresented defendant crisis plan, an ¹⁴ submit the plan to the Oregon Criminal Justice Commission, as soon as practicable and n ¹⁵ later than September 1, 2023. ¹⁶ "(b) The plan described in this subsection must first prioritize the resolution of the case
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18 fendants who are out of custody.
19 "(2) The presiding judge of a judicial district with a total population of over 100,000 sha
20 immediately convene a crisis team to assist in the development of the plan and to coordinat
21 the implementation of the plan described in subsection (1) of this section. The team shall b
22 composed of at least the following persons:
23 "(a) The presiding judge of the judicial district;
24 "(b) District attorneys within the judicial district; and
25 "(c) The public defense services executive director, or the director's designee.
26 "(3) The Chief Justice of the Supreme Court may issue orders related to resolving th
27 unrepresented defendant crisis.
28 "(4) The presiding judge of a judicial district may enter standing orders related to re-
29 solving the unrepresented defendant crisis that are consistent with the orders of the Chie
30 Justice described in subsection (3) of this section and the plan of the judicial district de
31 scribed in subsection (1) of this section.
32 "SECTION 105. The Public Defense Services Commission shall:
33 "(1) By no later than August 15, 2023, promulgate and disseminate guidance for the ju
34 dicial district coordinated public safety unrepresented defendant crisis plans described i
35 section 104 of this 2023 Act.

1 "(2) By no later than September 1, 2023, develop a training plan for public defense pro-2 viders specific to the unrepresented defendant crisis, in consultation and cooperation with 3 public defense provider associations and organizations.

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

8 "SECTION 106. The Oregon Criminal Justice Commission shall conduct a review of each 9 judicial district's coordinated public safety unrepresented defendant crisis plan submitted to 10 the commission under section 104 of this 2023 Act. The commission shall report the 11 commission's findings to the Joint Interim Committee on Ways and Means and the interim 12 committees of the Legislative Assembly related to the judiciary, in the manner provided in 13 ORS 192.245, no later than October 1, 2023.

¹⁴ "<u>SECTION 107.</u> All agencies of state government, as defined in ORS 174.111, are directed ¹⁵ to assist the presiding judges of judicial districts, the Public Defense Services Commission ¹⁶ and the Oregon Criminal Justice Commission in the performance of their duties under ¹⁷ sections 104 to 106 of this 2023 Act and, to the extent permitted by laws relating to ¹⁸ confidentiality, to furnish such information and advice to the judges and commissions nec-¹⁹ essary to perform their duties.

"SECTION 108. Sections 103 to 107 of this 2023 Act are repealed on June 30, 2025.

"APPROPRIATIONS

"(Commission Changes)

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"<u>SECTION 109.</u> Notwithstanding any other provision of law, the General Fund appropriation made to the Public Defense Services Commission by section 1 (1), chapter ____, Oregon
Laws 2023 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2023, for the Executive Division, is increased by \$414,792, for the purpose of carrying out the provisions of
sections 7a to 14, 76, 92, 96 to 99 and 102 of this 2023 Act and the amendments to statutes
by sections 1 to 7, 15 to 75, 77 to 91, 93 to 95, 100 and 101 of this 2023 Act.

³¹ "<u>SECTION 110.</u> Notwithstanding any other provision of law, the General Fund appropri-³² ation made to the Public Defense Services Commission by section 1 (2), chapter ____, Oregon ³³ Laws 2023 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2023, for the Com-³⁴ pliance, Audit and Performance Division, is increased by \$801,080, for the purpose of carrying ³⁵ out the provisions of sections 7a to 14, 76, 92, 96 to 99 and 102 of this 2023 Act and the ³⁶ amendments to statutes by sections 1 to 7, 15 to 75, 77 to 91, 93 to 95, 100 and 101 of this 2023 ³⁷ Act.

³⁸ "<u>SECTION 111.</u> Notwithstanding any other provision of law, the General Fund appropriation made to the Public Defense Services Commission by section 1 (4), chapter ____, Oregon Laws 2023 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2023, for the Adult Trial Division, is increased by \$7,406,190, for the purpose of carrying out the provisions of sections 7a to 14, 76, 92, 96 to 99 and 102 of this 2023 Act and the amendments to statutes by sections 1 to 7, 15 to 75, 77 to 91, 93 to 95, 100 and 101 of this 2023 Act.

44 "<u>SECTION 112.</u> Notwithstanding any other provision of law, the General Fund appropri 45 ation made to the Public Defense Services Commission by section 1 (5), chapter ____, Oregon

1 Laws 2023 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2023, for the Juvenile Trial Division, is increased by \$1,234,365, for the purpose of carrying out the provisions 2 of sections 7a to 14, 76, 92, 96 to 99 and 102 of this 2023 Act and the amendments to statutes 3 4 by sections 1 to 7, 15 to 75, 77 to 91, 93 to 95, 100 and 101 of this 2023 Act.

"SECTION 113. Notwithstanding any other provision of law, the General Fund appropri-5 ation made to the Public Defense Services Commission by section 1 (7), chapter ____, Oregon 6 7 Laws 2023 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2023, for Court 8 Mandated Expenses, is increased by \$14,656,343, for the purpose of carrying out the provisions of sections 7a to 14, 76, 92, 96 to 99 and 102 of this 2023 Act and the amendments to 9 statutes by sections 1 to 7, 15 to 75, 77 to 91, 93 to 95, 100 and 101 of this 2023 Act. 10

11 "SECTION 114. Notwithstanding any other provision of law, the General Fund appropri-12ation made to the Public Defense Services Commission by section 1 (8), chapter ____, Oregon 13Laws 2023 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2023, for the Parent Child Representation Program, is increased by \$1,234,365, for the purpose of carrying out the 14 15provisions of sections 7a to 14, 76, 92, 96 to 99 and 102 of this 2023 Act and the amendments 16 to statutes by sections 1 to 7, 15 to 75, 77 to 91, 93 to 95, 100 and 101 of this 2023 Act.

17"SECTION 115. Notwithstanding any other provision of law, the General Fund appropri-18 ation made to the Public Defense Services Commission by section 1 (9), chapter ____, Oregon 19 Laws 2023 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2023, for the Ad-20ministrative Services Division, is increased by \$8,465,430, for the purpose of carrying out the provisions of sections 7a to 14, 76, 92, 96 to 99 and 102 of this 2023 Act and the amendments 2122to statutes by sections 1 to 7, 15 to 75, 77 to 91, 93 to 95, 100 and 101 of this 2023 Act.

23"SECTION 116. Notwithstanding any other provision of law, the General Fund appropriation made to the Public Defense Services Commission by section 1 (10), chapter ___, Oregon 24Laws 2023 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2023, for the Special 2526Programs, Contracts and Distributions Division, is increased by \$285,508, for the purpose of carrying out the provisions of sections 7a to 14, 76, 92, 96 to 99 and 102 of this 2023 Act and 27the amendments to statutes by sections 1 to 7, 15 to 75, 77 to 91, 93 to 95, 100 and 101 of this 28292023 Act.

30 "SECTION 117. Notwithstanding any other provision of law, the General Fund appropriation made to the Judicial Department by section 1 (2), chapter ___, Oregon Laws 2023 (En-31rolled Senate Bill 5512), for the biennium beginning July 1, 2023, for Operations, is increased 3233 by \$283,504, for the purpose of carrying out the provisions of sections 7a to 14, 76, 92, 96 to 99 and 102 of this 2023 Act and the amendments to statutes by sections 1 to 7, 15 to 75, 77 3435 to 91, 93 to 95, 100 and 101 of this 2023 Act relating to the transfer of the Oregon Public Defense Commission to the executive branch. 36

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"(Unrepresented Defendant Crisis Plans)

40 "SECTION 118. Notwithstanding any other provision of law, the General Fund appropri-41 ation made to the Public Defense Services Commission by section 1 (4), chapter ____, Oregon 42Laws 2023 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2023, for the Adult Trial Division, is increased by \$368,316, for an expedited resolution case docket in the fourth 43 44 judicial district.

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"SECTION 119. Notwithstanding any other provision of law, the General Fund appropri-

ation made to the Public Defense Services Commission by section 1 (4), chapter ____, Oregon
Laws 2023 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2023, for the Adult
Trial Division, is increased by \$4,588,202, for the purpose of carrying out the provisions of
sections 103 to 107 of this 2023 Act.
<u>"SECTION 120.</u> Notwithstanding any other provision of law, the General Fund appropri-

ation made to the Public Defense Services Commission by section 1 (10), chapter ____, Oregon
Laws 2023 (Enrolled Senate Bill 5532), for the biennium beginning July 1, 2023, for the Special
Programs, Contracts and Distributions Division, is increased by \$545,000, for the purpose of

9 carrying out the provisions of sections 103 to 107 of this 2023 Act.

10 "<u>SECTION 121.</u> Notwithstanding any other provision of law, the General Fund appropri-11 ation made to the Judicial Department by section 1 (2), chapter ___, Oregon Laws 2023 (En-12 rolled Senate Bill 5512), for the biennium beginning July 1, 2023, for Operations, is increased 13 by \$1,852,566, for the purpose of carrying out the provisions of sections 104 and 105 of this 14 2023 Act.".

15 In line 17, delete "103" and insert "122".

16 In line 23, delete "104" and insert "123".

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