

Senate Bill 62

Sponsored by Senator FINDLEY (Pre-session filed.)

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 **as introduced**.

Provides that recipients of grants through universal representation program may not prioritize legal services to individuals who are detained or at imminent risk of deportation because they committed crimes.

A BILL FOR AN ACT

1
2 Relating to universal representation; amending section 2, chapter 88, Oregon Laws 2022.

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

4 **SECTION 1.** Section 2, chapter 88, Oregon Laws 2022, is amended to read:

5 **Sec. 2.** (1)(a) A nonprofit organization registered in this state that addresses and executes
6 worker relief as the organization's primary purpose shall serve as the fiscal agent to award grants
7 to organizations to provide services related to immigration matters through a universal represen-
8 tation program. Funds must be allocated for, but are not limited to, the following purposes:

9 (A) Attorneys working at community-based organizations to provide culturally responsive ser-
10 vices to members of the immigrant and refugee community;

11 (B) Navigators working at community-based organizations to guide persons who are at risk of
12 deportation or need assistance with immigration matters into the universal representation program;

13 (C) Development of capacity and training to support navigation efforts through community-based
14 organizations into the universal representation program and culturally responsive services carried
15 out by community-based organizations;

16 (D) A client service fund to assist with fees associated with filings, interpretation and related
17 costs in immigration matters;

18 (E) A statewide universal navigation and support system, including a call center, to provide di-
19 rect contacts and streamlined access for those seeking assistance with immigration matters; and

20 (F) A clearinghouse to provide logistical support, income and program eligibility screening,
21 navigation review, case placement and technical assistance, and referral coordination, mentoring
22 and supervision of attorneys working for community-based organizations.

23 (b) All individuals seeking services through the universal representation program must be en-
24 rolled and are subject to an income and program eligibility screening and a priority recommendation
25 through the clearinghouse described in paragraph (a) of this subsection.

26 (c) Information provided to the clearinghouse described in paragraph (a) of this subsection is
27 subject to the lawyer-client privilege under ORS 40.225.

28 (2) For all grants awarded under this section by the fiscal agent described in subsection (1) of
29 this section, the fiscal agent shall:

30 (a) Create a uniform method of reporting grant outcomes to facilitate comparison of results be-
31 tween grant recipients;

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 (b) Require that grant recipients provide services free of charge;
- 2 (c) Require grant recipients to prioritize legal services to detained individuals and individuals
- 3 at imminent risk of deportation, **other than individuals who are detained or at imminent risk**
- 4 **of deportation because they have committed crimes**, before other immigration matters when
- 5 applicable;
- 6 (d) Require all individuals seeking services to be enrolled and subject to a uniform income and
- 7 program eligibility screening and a priority recommendation through the clearinghouse described in
- 8 subsection (1) of this section;
- 9 (e) Provide services to all income- and program-eligible individuals subject to reasonably meas-
- 10 ured capacity;
- 11 (f) Encourage the use of best practices to design the delivery of legal services to the immigrant
- 12 and refugee population; and
- 13 (g) Ensure that a person denied services receives notice of the reasons for denial and that the
- 14 notice is provided to the fiscal agent.
- 15 (3) The fiscal agent described in subsection (1) of this section shall:
- 16 (a) Issue grants through a request for proposal process;
- 17 (b) Conduct a performance audit at the conclusion of the second year after the Universal Rep-
- 18 resentation Fund established under section 1 [of this 2022 Act], **chapter 88, Oregon Laws 2022**, is
- 19 operative and every two years thereafter; and
- 20 (c) Conduct a financial audit at the conclusion of the second year after the fund is operative
- 21 and every two years thereafter.
- 22 (4)(a) The Chief Justice of the Supreme Court shall transfer funds appropriated for this purpose
- 23 to the Oregon State Bar for use by the Legal Services Program established under ORS 9.572 to
- 24 provide legal services to individuals on immigration matters and related matters, including but not
- 25 limited to the provision of general legal information and legal referral services designed to increase
- 26 access to the justice system.
- 27 (b) The Legal Services Program shall adopt standards and guidelines for the provision of ser-
- 28 vices under this subsection that are consistent with the requirements set forth in subsection (2) of
- 29 this section.
- 30 (5) The fiscal agent described in subsection (1) of this section shall convene an advisory com-
- 31 mittee for the universal representation program. The advisory committee shall meet periodically and
- 32 make recommendations relating to the coordination of services, standards and guidelines, the de-
- 33 velopment of best practices and other matters related to universal representation. The committee
- 34 shall be chaired by:
- 35 (a) The administrative head, or the designee of the administrative head, of the fiscal agent de-
- 36 scribed in subsection (1) of this section;
- 37 (b) The administrative head, or the designee of the administrative head, of a grantee under
- 38 subsection (1) of this section; and
- 39 (c) The administrative head, or the designee of the administrative head, of a legal services pro-
- 40 vider providing services under subsection (4) of this section.
- 41 (6) No later than August 31 of each year, the fiscal agent described in subsection (1) of this
- 42 section shall submit, to a committee or interim committee of the Legislative Assembly dealing with
- 43 legal services, the Oregon Department of Administrative Services and the Legislative Fiscal Officer,
- 44 a report on the grants the fiscal agent awarded under this section. The report must specify, but is
- 45 not limited to:

- 1 (a) How many individuals have entered the universal representation program;
- 2 (b) How many individuals have accepted wraparound assistance from community-based organ-
3 izations;
- 4 (c) The number and types of cases and matters in which legal services were delivered, disag-
5 gregated by grantee;
- 6 (d) The counties in which the community-based organizations have provided services;
- 7 (e) A comparison of programs offering services and recommendations to improve service delivery
8 for community-based organizations receiving funds from the fiscal agent;
- 9 (f) The findings of performance and fiscal audits described in subsection (3)(b) and (c) of this
10 section; and
- 11 (g) Other matters as recommended by the advisory committee.
- 12 (7) In appropriating moneys for programs under this section, the Legislative Assembly shall en-
13 deavor to allocate funding as follows:
 - 14 (a) 70 percent of available funds to the Universal Representation Fund established under section
15 1, **chapter 88, Oregon Laws 2022** [*of this 2022 Act*]; and
 - 16 (b) 30 percent of available funds to the Judicial Department for purposes of transfer to the
17 Oregon State Bar under subsection (4) of this section.
- 18 (8) As used in this section:
 - 19 (a) “Community-based organization” means a nonprofit organization registered in this state that
20 provides culturally responsive services to immigrant and refugee communities in Oregon.
 - 21 (b) “Culturally responsive service” means a service that is respectful of, and relevant to, the
22 beliefs, practices, cultures and linguistic needs of diverse consumer or client populations and com-
23 munities whose members identify as having particular cultural or linguistic affiliations by virtue of
24 their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at
25 home, and that has the capacity to respond to the issues of diverse communities and to require
26 knowledge and capacity at systemic, organizational, professional and individual levels of inter-
27 vention.
 - 28 (c) “Immigration matter” has the meaning given that term in ORS 9.280.

29