

**HB 5031 A BUDGET REPORT and MEASURE SUMMARY**

**Carrier:** Sen. Broadman

**Joint Committee On Ways and Means**

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**Action Date:** 06/13/25

**Action:** Do pass the A-Eng bill.

**Senate Vote**

**Yeas:** 10 - Anderson, Bonham, Broadman, Campos, Frederick, Girod, Lieber, Manning Jr, McLane, Sollman

**Exc:** 1 - Smith DB

**House Vote**

**Yeas:** 11 - Bowman, Breese-Iverson, Cate, Evans, Gomberg, Levy E, Owens, Ruiz, Sanchez, Smith G, Valderrama

**Exc:** 1 - Drazan

**Prepared By:** Jonathan Bennett, Department of Administrative Services

**Reviewed By:** John Borden, Legislative Fiscal Office

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**Public Defense Commission**

**2025-27**

## **Budget Summary\***

	2023-25 Legislatively Approved Budget <sup>(1)</sup>	2025-27 Current Service Level	2025-27 Committee Recommendation	Committee Change from 2023-25 Leg. Approved	
				\$ Change	% Change
General Fund	\$ 594,333,409	\$ 624,416,420	\$ 681,008,932	\$ 86,675,523	14.6%
General Fund Debt Service	\$ -	\$ -	\$ 1	\$ -	0.0%
Other Funds Limited	\$ 22,352,949	\$ 20,769,678	\$ 26,663,258	\$ 4,310,309	19.3%
Total	\$ 616,686,358	\$ 645,186,098	\$ 707,672,191	\$ 90,985,832	14.8%

## **Position Summary**

Authorized Positions	192	172	180	(12)	(6.3%)
Full-time Equivalent (FTE) positions	163.30	171.80	179.80	16.50	10.1%

<sup>(1)</sup> Includes adjustments through January 2025

\* Excludes Capital Construction expenditures

## **Summary of Revenue Changes**

The Public Defense Commission (PDC) is primarily supported by General Fund. Other Funds revenues are received through transfers from the Department of Human Services (DHS) from the federal Title IV-E program, as well as from fees associated with the Application Contribution Program (ACP). In 2019, a revision in federal policy allowed Oregon to claim Title IV-E funds for administrative reimbursement of costs associated with legal representation of a child or parent in foster care proceedings. The revision also covered the training of contracted legal service providers. In the 2025-27 biennium, PDC anticipates \$22.2 million Federal Funds revenue to be expended as Other Funds for Title IV-E as reimbursement for state expenses.

Other Funds revenue for ACP is collected in accordance with ORS 151.487, which provides judges the authority to order those who apply for court-appointed counsel to pay the administrative costs of determining their eligibility and a “contribution amount” toward the anticipated cost of the public defense before the conclusion of a case. The Oregon Judicial Department (OJD) verification specialists assist the courts in determining whether a person must pay these costs. This revenue is deposited in the Public Defense Services Account and used to fund the operating expenses of the ACP. Anticipated ACP revenue for the 2025-27 biennium is approximately \$4.5 million Other Funds, of which \$3.6 million will transfer to OJD.

## **Summary of Public Safety Subcommittee Action**

PDC is responsible for establishing and maintaining a public defense system that ensures the provision of public defense services in the most cost-efficient manner, consistent with the Oregon Constitution and the United States Constitution, as well as state and national standards of justice. Senate Bill 337 (2023) transferred the Commission from the Judicial Branch to the Executive Branch, effective January 1, 2025. Also effective on January 1, 2025, Senate Bill 337 (2023) changed how members of the Commission are selected with the Governor now appointing all nine voting members. Three of the nine voting members must be taken from recommendations from the Chief Justice of the Oregon Supreme Court and three members taken from recommendations from the Legislature. There are also four non-voting members of the Commission that are also selected by the Governor, two of which must be employed as public defense providers, one who is a current member of the House of Representatives, and one who is a current member of the Senate.

The Subcommittee recommended a budget of \$707,672,191 total funds, comprised of \$681,008,933 General Fund, \$26,663,258 Other Funds expenditure limitation, and 180 positions (179.80 FTE). The recommended total funds budget is a 14.8% increase from the 2023-25 legislatively approved budget and a 9.7% increase from the 2025-27 current service level budget. The Subcommittee approved the following Budget Note.

### **Budget Note**

The Department of Administrative Services is requested to unschedule \$22.1 General Fund in select programs that may be scheduled only after the submission of a report by the PDC to the Joint Committee on Ways and Means for the 2026 legislative session, with a detailed comparison between budgeted and actual capacity for both contract providers and Trial Representation Division staff. The report shall include a specific plan of action to address those providers, or the Trial Representation Division, that are operating at less than 90% of budgeted capacity. The Commission is also to report on the preliminary results of the Enhanced Provider Capacity Pilot Program.

## **Executive Division**

The Executive Division provides the leadership function and governance structure of the agency under the Commission and includes staff to support the Commission, the Executive Director, General Counsel, and Communications and Legislative Affairs. The Subcommittee approved the following Budget Note.

### **Budget Note**

The Public Defense Commission is directed to report to the Interim Joint Committee on Ways and Means in January 2026, and then subsequently to the Legislative Emergency Board on September 2026, on the unrepresented defendant/persons crisis, including the implementation of the Commission's "12-month plan to address the number of unrepresented Oregonians". The reports shall also include information on Commission efforts to restructure agency operations, as well as intermediate and long-term planning efforts. The reports are also to include information on changes to service delivery models, by provider type, forecasted versus actual caseloads, cost factors, including cost per case, and a biennial financial forecast.

The Subcommittee recommended a budget of \$3,356,449 General Fund and five positions (5.00 FTE). The Subcommittee recommended the following packages:

Package 801: LFO Analyst Adjustments. This package reduces General Fund by \$606,918 and one permanent, full-time General Counsel position (1.00 FTE). This adjustment is due to the expectation that with PDC's transition to the Executive Branch the Commission will begin using Department of Justice legal services in lieu of using in-house counsel. This adjustment leaves \$372,730 to fund Attorney General charges for legal services.

Package 802: Vacant Position Reductions. This package reduces General Fund by \$345,624 and abolishes one vacant, permanent, full-time Internal Auditor position (1.00 FTE). This reduction includes \$57,604 in associated services and supplies expenditures.

Package 804: Position Rebalance. This package reduces General Fund by \$725,289 and removes two positions in the Executive Division (2.00 FTE). The package moves one permanent, full-time Internal Auditor position (1.00 FTE) to the Compliance, Audit, and Performance Management Division with a position cost of \$401,423 General Fund. The package also transfers one permanent, full-time Operations and Policy Analyst 3 position (1.00 FTE) back to the Administrative Services Division with a position cost of \$323,866 General Fund.

### **Compliance, Audit and Performance Division**

The Compliance, Audit and Performance (CAP) Division strengthens the Agency's program management, performance, and oversight. The Division is organized into the following sections: Administration, Trial Criminal Compliance, Juvenile/Parent Child Representation Program Compliance, Research, and Internal Audit, which reports directly to the Commission. The Division provides mutually inclusive services for vendor contract compliance, auditing of expenditures related to vendor contracts, internal auditing of agency expenditures, research and analysis, and development and maintenance of performance measures, including Key Performance Measures and supporting Key Performance Indicators.

The Subcommittee recommended a budget of \$8,645,518 General Fund and 20 positions (20.00 FTE). The Subcommittee recommended the following package:

Package 804: Position Rebalance. There are two position actions in this package resulting in a net General Fund reduction of \$91,442. The first increases General Fund by \$401,423 to account for returning one permanent, full-time Internal Auditor position (1.00 FTE) from the Executive Division. The second transfers a vacant, full-time Deputy General Counsel position (1.00 FTE) with a position cost of \$492,865 General Fund, to the Trial Representation Division primarily to support Special Case Resolution Dockets in Multnomah, Washington, and Marion Counties.

**Appellate Division**

The Appellate Division provides state and federal appellate court defense for financially eligible defendants. This includes appellate representation for financially eligible parents and children in cases of juvenile dependency, as well as termination of parental rights cases. The Appellate Division, Criminal Appellate section, serves a mandated caseload and is budgeted based on anticipated caseload changes for state constitution or court actions as forecasted by the Department of Administrative Services (DAS) Office of Economic Analysis (OEA).

The Subcommittee recommended a budget of \$28,821,352 General Fund and 58 positions (57.80 FTE). No packages were recommended for this division.

**Adult Trial Division**

The Adult Trial Division funds trial-level public defense for financially eligible adult defendants in criminal cases, civil commitments, and contempt cases. Contract services are provided by non-profit public defender offices, law firms, consortia of attorneys, and sole practitioners. The Division is organized into the following sections: Administration, Appellate, and Trial Level. The Adult Trial Division is subject to a mandated caseload and is budgeted based on anticipated caseload changes for state constitution or court actions as forecasted by DAS OEA.

The Subcommittee recommended a budget of \$329,576,667 General Fund and no position authority. Of this amount, DAS is requested to unschedule \$16,500,000 General Fund, which may be scheduled only after the submission of a report by PDC to the 2026 Legislature and the Joint Committee on Ways and Means, with a detailed comparison between budgeted and actual capacity for both contract providers and Trial Representation Division staff. The report shall include a specific plan of action to address those providers, or the Trial Representation Division, that are operating at less than 90% of budgeted capacity. The Subcommittee recommended the following packages:

Package 801: LFO Analyst Adjustments. This package reduces General Fund by \$1,672,675 for misdemeanor caseload savings expected from a legislative investment in Oregon public and private law schools where a total of 120 law students will provide public defense services for eligible defendants for an estimated 1,060 cases. This investment is described in more detail in Package 806 in the Special Programs, Contracts, and Distributions Division.

Package 806: Legislative Investments. This package appropriates \$10,045,082 General Fund across two components. First, the package provides \$7.8 million General Fund to fix a 2025-27 current service level budgeting error that neglected to phase in \$5.7 million for 10 contract provider attorneys provided as part of House Bill 5204 (2024) as well as \$2.0 million for 10 contract provider attorneys provided as part of Senate Bill 5701 (2024). Second, the package provides \$2.2 million General Fund, on a one-time basis, to fund an Enhanced Provider Capacity pilot program intended to compensate existing contract provider Maximum Attorney Capacity (MAC) who operate at or above MAC standard, while remaining within profession and ethical standards.

Package 840: Mandated Caseloads. This package appropriates \$16,688,623 General Fund as an adjustment to the current service level Mandated Caseloads adjustment made in current service level development through Package 040. The adjustment is calculated by PDC and is based on the DAS OEA forecasted caseload change estimated in the spring of 2025. PDC submitted a mandated caseload adjustment of \$14,735,792 General Fund for this division as part of current service level development, resulting in a total Mandated Caseloads adjustment of \$31,424,415 for the Adult Trial Division. With this Mandated Caseloads adjustment, PDC estimates the Adult Trial Division will take 153,858, or 77.5% of the 198,586 forecasted cases for the 2025-27 biennium. However, 1,060 cases will be handled by a contract with three Oregon law schools, as noted in Package 801 above.

### **Juvenile Trial Division**

The Juvenile Trial Division provides trial-level representation for financially eligible parents, children, and youth in juvenile dependency, termination-of-parental-rights, juvenile delinquency, and contested adoption cases. The Division also provides guardians ad litem for parents whose rights the juvenile court determines need protection because they have a mental or physical disability preventing them from understanding or assisting counsel in a dependency or termination-of-parental-rights case. The cases within the Juvenile Trial Division are separate and distinct from the juvenile cases within the 10 counties participating in the Parent Child Representation Program. While this division does not serve a mandated caseload, its budget is still based on caseload change as forecasted by DAS OEA.

The Subcommittee recommended a budget of \$45,417,129 General Fund, \$7,393,486 Other Funds expenditure limitation, and no position authority. Of this amount, DAS is requested to unschedule \$2,300,000 General Fund, which may be scheduled only after the submission of a report by PDC to the 2026 Legislature and the Joint Committee on Ways and Means with a detailed comparison between budgeted and actual capacity for both contract providers and Trial Representation Division staff. The report shall include a specific plan of action to address those providers, or the Trial Representation Division, that are operating at less than 90% of budgeted capacity. The Subcommittee recommended the following packages:

Package 801: LFO Analyst Adjustments. This package reduces General Fund by \$1,318,302 to account for a current service level budgeting error and to reserve a phase-in that was mistakenly attributed to the Juvenile Trial Division for one-time incentive payments. The total includes an associated reduction in the inflation factor of \$83,937.

Package 807: Title IV-E Fund Shift. This package fund shifts \$3,041,486 General Fund to Other Funds expenditure limitation. The source of the Other Funds is Federal Title IV-E reimbursement for state expenses that are passed through to PDC from DHS. In 2019, a revision in federal policy allowed Oregon to claim Title IV-E funds for administrative reimbursement of costs associated with legal representation of a child or parent in foster care proceedings. This revision also covered the training of contracted legal service providers.

Package 840: Mandated Caseloads. This package reduces General Fund by \$286,052 as an adjustment calculated by PDC based on the DAS OEA forecasted caseload change estimated in the spring of 2025. The Commission did not submit a caseload adjustment for this division as part of

the current service level budget development process. With this caseload adjustment, PDC estimates that the Juvenile Trial Division will take 18,976, or 9.6%, of the 198,586 forecasted cases for the biennium. This caseload is made up of juvenile delinquency, juvenile dependency, and termination of parental rights cases.

### **Preauthorized Expenses**

The Preauthorized Expenses Division funds "reasonable and necessary" public defense related case costs, including transcriptionists, investigators, interpreters, mitigators, social workers, psychologists, polygraph examiners, and forensic experts, such as firearm experts, arson experts, deoxyribonucleic acid (DNA) experts, and medical experts. The Division is organized into the following sections: Administration, Appellate, Trial Level, and Juvenile. As with expenditures in the Appellate and Adult Trial Divisions, preauthorized expenses are driven by a mandated caseload; therefore, the Division is budgeted based on anticipated caseload changes for state constitution or court actions as forecasted by DAS OEA.

The Subcommittee recommended a budget of \$101,422,313 General Fund, \$1,037,357 Other Funds expenditure limitation, and no position authority. In current service level development, a technical adjustment in Package 060 moved \$25,214,507 General Fund to this division's current service level budget from the Court Mandated Expenses Division to account for the increased need for psychological evaluations requested by public defenders. The Subcommittee recommended the following packages:

Package 90: Analyst Adjustments. This package is a modification of a Governor's budget package that reduces General Fund by \$3,526,337 for travel and expert services expenses. This reduction was taken from PDC's 10% reduction list.

Package 107: Temporary Hourly Increase Program Carryover. This package appropriates \$7,307,131 General Fund, on a one-time basis, to fund Temporary Hourly Increase Program (THIP) cases that were appointed during the 2023-25 biennium and will continue into the 2025-27 biennium. This request reflects an updated estimate of THIP case costs provided by PDC. No funding is included in the 2025-27 legislatively approved budget to extend THIP for new cases beyond June 30, 2025.

Package 801: LFO Analyst Adjustments. This package reduces General Fund by \$10,664,883 due to statewide General Fund resource constraints.

Package 807: Title IV-E Fund Shift. This package fund shifts \$1,037,356 General Fund to Other Funds expenditure limitation. The source of the Other Funds is Federal Title IV-E reimbursement for state expenses passed through to PDC from DHS. In 2019, a revision in federal policy allowed Oregon to claim Title IV-E funds for administrative reimbursement of costs associated with legal representation of a child or parent in foster care proceedings. This revision also covered the training of contracted legal service providers

Package 840: Mandated Caseloads. This package appropriates \$14,932,386 General Fund as an adjustment to the current service level Mandated Caseloads adjustment made in current service level development Package 040. The adjustment is calculated by PDC and is based on the DAS OEA forecasted caseload change estimated in the spring of 2025. PDC submitted a mandated caseload adjustment of \$10,152,285 General Fund for this division as part of current service level development, resulting in a total Mandated Caseload adjustment of \$25,084,671 for the Preauthorized Expenses Division.

### **Court Mandated Expenses**

The Court Mandated Expenses Division funds trial and appellate representation for the provision of attorney services not funded through a normal provider contract. Additionally, the Division provides funding for expenses associated with discovery, interpreter services, medical, school, Oregon Department of Transportation - Department of Motor Vehicles, and other similar records (up to \$300), 911 recordings and Emergency Communication Recording Logs, telephone charges, photocopying and scanning, facsimile charges, routine mileage and parking, postage, service of process; and the payment of lay witness and mileage. The Division is organized into the following sections: Administration, Appellate, Trial Level, Juvenile, and the ACP. The Court Mandated Expenses Division is subject to a mandated caseload and is to be budgeted based on anticipated caseload changes for state constitution or court actions as forecasted by DAS OEA.

The Subcommittee recommended a budget of \$63,394,089 General Fund, \$6,547,938 Other Funds expenditure limitation, and no position authority. In current service level development, a technical adjustment in Package 060 moved \$25,214,507 General Fund from this Division's current service level budget to the Preauthorized Expenses Division to account for the increased need for psychological evaluations requested by public defenders. The Subcommittee recommended the following packages:

Package 90: Analyst Adjustments. This package is a modification of a Governor's budget package that reduces General Fund by \$1,871,592 for travel and expert services expenses. This reduction was taken from PDC's 10% reduction list.

Package 107: Temporary Hourly Increase Program Carryover. This package appropriates \$11,121,931 General Fund, on a one-time basis, to fund THIP cases appointed during the 2023-25 biennium and will continue into the 2025-27 biennium. This request reflects an updated estimate of THIP case costs provided by PDC. No funding is included in the 2025-27 legislatively approved budget to extend THIP for new cases beyond June 30, 2025.

Package 806: Legislative Investments. This package provides \$9,621,474 General Fund for a 2025-27 current service level budgeting error that mistakenly phased out \$9,008,871 of provider incentive payments in the wrong program. The package includes an associated inflation factor of \$612,603.

Package 807: Title IV-E Fund Shift. This package fund shifts \$2,098,261 General Fund to Other Funds expenditure limitation. The source of the Other Funds is Federal Title IV-E reimbursement for state expenses passed through to PDC from DHS. In 2019, a revision in federal policy



allowed Oregon to claim Title IV-E funds for administrative reimbursement of costs associated with legal representation of a child or parent in foster care proceedings. This revision also covered the training of contracted legal service providers.

Package 840: Mandated Caseloads. This package appropriates \$6,974,335 General Fund as an adjustment to the current service level Mandated Caseloads adjustment made in current service level development Package 040. The adjustment is calculated by PDC and is based on the DAS OEA forecasted caseload change estimated in the spring of 2025. PDC submitted a mandated caseload adjustment of \$6,539,167 General Fund for this division as part of current service level development, resulting in a total Mandated Caseload adjustment of \$13,513,503 for the Court Mandated Expenses Division.

### **Trial Representation Division**

The Trial Representation Division (TRD) is a new division for the 2025-27 biennium that establishes a state-run trial division staffed with state-employed attorneys and their corresponding support staff. TRD exclusively provides representation in criminal cases with a focus on cases in which an individual is unrepresented despite being financially eligible for appointed counsel. TRD is intended to strengthen the state's workforce of public defenders in alignment with the requirement in Senate Bill 337 (2023) that at least 30% of appointed trial-level counsel should be employed by the Commission by January 1, 2035.

The Subcommittee recommended a budget of \$18,090,808 General Fund and 46 positions (46.00 FTE). Of this amount, DAS is requested to unschedule \$1,000,000 General Fund, which may be scheduled only after the submission of a report by the Public Defense Commission to the 2026 Legislature and the Joint Committee on Ways and Means with a detailed comparison between budgeted an actual capacity for both contract providers and Trial Representation Division staff. The report shall include a specific plan of action to address those providers or the Trial Representation Division operating at less than 90% of budgeted capacity. The Subcommittee recommended the following packages:

Package 804: Position Rebalance. This package increases General Fund by \$492,865 to transfer a vacant, full-time Deputy General Counsel position (1.00 FTE) from the Compliance, Audit and Performance Division primarily to support Special Case Resolution Dockets in Multnomah, Washington, and Marion counties.

Package 806: Legislative Investments. This package appropriates \$65,674 General Fund to fund the upward reclassification of two Senior Deputy Attorney positions to Chief Deputy Defenders in order to provide additional supervisory control in the Northwest and Southern Regional Pilot Program Offices.

### **Parent Child Representation Program**

PDC provides trial-level representation to financially eligible parents and children in cases of juvenile delinquency, juvenile dependency, and those involving the termination of parental rights. These services are provided through two models: Parent Child Representation Program

(PCR) provider contracts, and trial-level contracts in the non-PCR counties. While this division does not serve a mandated caseload, its budget is still based on caseload changes as forecasted by DAS OEA.

The PCR model is an interdisciplinary legal representation model focused on maintaining reasonable caseload standards and compensation for providers, including social work case managers on the legal team, and increased oversight and support by PDC's Office of Public Defense Services. Currently, 10 Oregon counties participate in the PCR, including Linn and Yamhill (2014); Columbia (2016); Coos and Lincoln (2018); and Multnomah, Benton, Clatsop, Douglas, and Polk (2020). PCR contracts include attorneys and social work case managers serving as agents of the attorneys in select cases. Currently, trial-level contracts for counties not participating in the PCR are budgeted under the Juvenile Trial Division.

The Subcommittee recommended a budget of \$46,737,940 General Fund, \$11,684,477 Other Funds expenditure limitation, and has no position authority. Of this amount, DAS is requested to unschedule \$2,300,000 General Fund, which may be scheduled only after the submission of a report by the Public Defense Commission to the 2026 Legislature and the Joint Committee on Ways and Means with a detailed comparison between budgeted an actual capacity for both contract providers and Trial Representation Division staff. The report shall include a specific plan of action to address those providers or the Trial Representation Division operating at less than 90% of budgeted capacity. The Subcommittee recommended the following packages:

Package 801: LFO Analyst Adjustments. This package reduces General Fund by \$17,030 in residual personal services budget authority related to the transfer of a PCR attorney position to the Compliance, Audit, and Performance Management Division during the development of the continuing service level budget.

Package 807: Title IV-E Fund Shift. This package fund shifts \$283,523 Other Funds expenditure limitation to General Fund. The source of the Other Funds is Federal Title IV-E reimbursement for state expenses passed through to PDC from DHS. In 2019, a revision in federal policy allowed Oregon to claim Title IV-E funds for administrative reimbursement of costs associated with legal representation of a child or parent in foster care proceedings. This revision also covered the training of contracted legal service providers.

Package 840: Mandated Caseloads. This package increases General Fund by \$543,751 as an adjustment calculated by PDC based on the DAS OEA forecasted caseload change estimated in the spring of 2025. While the PCR Division is non-mandated caseload program, its budget is based on forecasted caseload changes. With this caseload adjustment, PDC estimates that the PCR Division will take 10,233, or 5.2% of the 198,586 forecasted cases, for the biennium. This caseload is made up of juvenile delinquency, juvenile dependency, and termination of parental rights cases.

### **Administrative Services Division**

The Administrative Services Division provides agency-wide administrative support and central services for the agency. The Division includes the following sections to support the delivery of public defense services: Administration, Budget, Accounting/Accounts Payable, Human Resources, Procurement, Facilities, and Information Services.

The Subcommittee recommended a budget of \$24,132,653 General Fund and 51 positions (51.00 FTE). The Subcommittee recommended the following packages:

Package 081: May 2024 Emergency Board. This package appropriates \$547,963 General Fund and authorizes the establishment of two permanent, full-time positions (2.00 FTE) for information technology expenses related to the transfer of the agency to the Executive Branch. This action was originally approved by the Emergency Board in May of 2024. The positions include one Information Technology Specialist 2 (1.00 FTE) for desktop support and one Information Technology Specialist 1 (1.00 FTE) for a triage specialist to support incoming calls and ticket routing.

Package 082: September 2024 Emergency Board. This package appropriates \$1,093,505 General Fund and authorizes the establishment of three permanent, full-time positions (3.00 FTE). This action was originally approved by the Emergency Board in September of 2024. The positions include three Program Analyst 4 positions (3.00 FTE) assigned to the Procurement Section.

Package 804: Position Rebalance. This package includes the transfer of one permanent, full-time Operations and Policy Analyst 3 position (1.00 FTE) back to the Administrative Services Division from the Executive Division with a position cost of \$323,866 General Fund. This position is intended to support the Financial Case Management System project.

Package 806: Legislative Investments. This package appropriates \$1,281,579 General Fund and authorizes the establishment of five permanent, full-time positions (5.00 FTE) to support accounts payable, the review of preauthorized expenditures, and for case management. The positions include two Accounting Technician 3 positions (2.00 FTE), one Program Analyst 3 (1.00 FTE), and two Program Analyst 2 positions (2.00 FTE).

### **Special Programs and Contracts Division**

The Special Programs and Contracts Division contains specialty programs and funding for the purposes of transparent budgeting. For the 2025-27 biennium, the base budget includes funding for the reimbursement of county discovery costs and civil protective proceedings.

The Subcommittee recommended a budget of \$11,414,014 General Fund and no position authority. The Subcommittee recommended the following package:

Package 801: LFO Analyst Adjustments. This package is comprised of two components with a net General Fund reduction of \$865,389. First, it reduces General Fund by \$582,060 to phase out one-time costs associated with a study requested during the 2023-25 biennium. Second, it reduces General Fund by \$283,329 from the division's budget that are not attributable to program budgeted activities or outcomes.

Package 806: Legislative Investments. This package appropriates \$3,437,460 General Fund for distribution to public and private Oregon law schools to provide training and supervision of court certified law students to undertake misdemeanor cases. Two of the law schools will collaborate with local public defender offices: the University of Oregon with the Multnomah Defenders Inc. and Lane County Public Defender Services and Lewis and Clark with Metropolitan Public Defenders. This initiative is expected to train a total of 120 law students to provide public defense services for eligible defendants for 1,060 misdemeanor cases.

As noted above, these cases are taken out of the total cases assumed for the Adult Trial Division generating an estimated \$1,672,675 in savings. The Subcommittee approved the following Budget Note.

**Budget Note**

PDC is directed to report to the Joint Committee on Ways and means during the 2027 legislative session on the legislative investment in law schools, including the total number of students trained, clients served, as well as case outcomes. The Commission may choose to restructure the law school program, and the Commission's contracts with the law schools, beginning with the 2026-27 academic school year, in order to better integrate the program into the public defense service delivery system in an effort to better address the unrepresented defendant/person crisis. Any changes to the law school service delivery model shall be reported to the 2027 Legislature by the Commission.

**Debt Service**

Debt Service is the obligation to repay the principal and interest costs on bonds issued to finance projects. This is a newly created division within the agency. The Subcommittee recommended a budget of \$1 General Fund.

Package 806: Legislative Investments. This package appropriates \$1 General Fund as a placeholder for future debt service payments for the Financial and Case Management System.

**Summary of Performance Measure Action**

See attached Legislatively Adopted 2025-27 Key Performance Measures form.

## DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

Oregon Public Defense Commission  
Jonathan Bennett – 971-446-1708

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2023-25 Legislatively Approved Budget at Jan 2025 *	\$ 594,333,409	\$ -	\$ 22,352,949	\$ -	\$ -	\$ -	\$ 616,686,358	192	163.30
2025-27 Current Service Level (CSL)*	\$ 624,416,420	\$ -	\$ 20,769,678	\$ -	\$ -	\$ -	\$ 645,186,098	172	171.80
<u>SUBCOMMITTEE ADJUSTMENTS (from CSL)</u>									
<b>SCR 100 - Executive Division</b>									
Package 801: LFO Analyst Adjustments									
Personal Services	\$ (606,918)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (606,918)	(1)	(1.00)
Package 802: Vacant Position Reductions									
Personal Services	\$ (288,020)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (288,020)	(1)	(1.00)
Services and Supplies	\$ (57,604)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (57,604)		
Package 804: Position Rebalance									
Personal Services	\$ (725,289)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (725,289)	(2)	(2.00)
<b>SCR 200 - Compliance, Audit, and Performance Division</b>									
Package 804: Position Rebalance									
Personal Services	\$ (91,442)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (91,442)	0	0.00
<b>SCR 400 - Adult Trial Division</b>									
Package 801: LFO Analyst Adjustments									
Services and Supplies	\$ (1,672,675)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (1,672,675)		
Package 806: Legislative Investments									
Services and Supplies	\$ 10,045,082	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,045,082		
Package 840: Mandated Caseloads									
Services and Supplies	\$ 16,688,623	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 16,688,623		
<b>SCR 415 - Juvenile Trial Division</b>									
Package 801: LFO Analyst Adjustments									
Services and Supplies	\$ (1,318,302)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (1,318,302)		
Package 807: Title IV-E Fund Shift									
Services and Supplies	\$ (3,041,486)	\$ -	\$ 3,041,486	\$ -	\$ -	\$ -	\$ -		
Package 840: Mandated Caseloads									
Services and Supplies	\$ (286,052)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (286,052)		
<b>SCR 425 - Preauthorized Expenses</b>									
Package 090: Analyst Adjustments									
Services and Supplies	\$ (3,526,337)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (3,526,337)		

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
Package 107: Temporary Hourly Increase Program Carryover									
Services and Supplies	\$ 7,307,131	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,307,131		
Package 801: LFO Analyst Adjustments									
Services and Supplies	\$ (10,664,883)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (10,664,883)		
Package 807: Title IV-E Fund Shift									
Services and Supplies	\$ (1,037,356)	\$ -	\$ 1,037,356	\$ -	\$ -	\$ -	\$ -		
Package 840: Mandated Caseloads									
Services and Supplies	\$ 14,932,386	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,932,386		
<b>SCR 450 - Court Mandated Expenses</b>									
Package 090: Analyst Adjustments									
Services and Supplies	\$ (1,871,592)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (1,871,592)		
Package 107: Temporary Hourly Increase Program Carryover									
Services and Supplies	\$ 11,121,931	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,121,931		
Package 806: Legislative Investments									
Services and Supplies	\$ 9,621,474	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,621,474		
Package 807: Title IV-E Fund Shift									
Services and Supplies	\$ (2,098,261)	\$ -	\$ 2,098,261	\$ -	\$ -	\$ -	\$ -		
Package 840: Mandated Caseloads									
Services and Supplies	\$ 6,974,335	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,974,335		
<b>SCR 475 - Trial Representation Division</b>									
Package 804: Position Rebalance									
Personal Services	\$ 492,865	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 492,865	1	1.00
Package 806: Legislative Investments									
Personal Services	\$ 65,674	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,674	0	0.00
<b>SCR 500 - Parent Child Representation</b>									
Package 801: LFO Analyst Adjustments									
Personal Services	\$ (17,030)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (17,030)	0	0.00
Package 807: Title IV-E Fund Shift									
Services and Supplies	\$ 283,523	\$ -	\$ (283,523)	\$ -	\$ -	\$ -	\$ -		

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
Package 840: Mandated Caseloads Services and Supplies	\$ 543,751	\$ -	\$ -	\$ -	\$ -	\$ -	543,751		
<b>SCR 600 - Administrative Services Division</b>									
Package 081: May 2024 Emergency Board Personal Services	\$ 487,187	\$ -	\$ -	\$ -	\$ -	\$ -	487,187	2	2.00
Services and Supplies	\$ 60,776	\$ -	\$ -	\$ -	\$ -	\$ -	60,776		
Package 082: September 2024 Emergency Board Personal Services	\$ 1,093,505	\$ -	\$ -	\$ -	\$ -	\$ -	1,093,505	3	3.00
Package 804: Position Rebalance Personal Services	\$ 323,866	\$ -	\$ -	\$ -	\$ -	\$ -	323,866	1	1.00
Package 806: Legislative Investments Personal Services	\$ 1,281,579	\$ -	\$ -	\$ -	\$ -	\$ -	1,281,579	5	5.00
<b>SCR 700 - Special Programs, Contracts, and Distributions</b>									
Package 801: LFO Analyst Adjustments Services and Supplies	\$ (865,389)	\$ -	\$ -	\$ -	\$ -	\$ -	(865,389)		
Package 806: Legislative Investments Services and Supplies	\$ 3,437,460	\$ -	\$ -	\$ -	\$ -	\$ -	3,437,460		
<b>SCR 800 - Debt Service</b>									
Package 806: Legislative Investments Debt Service	\$ 1	\$ -	\$ -	\$ -	\$ -	\$ -	1	0	0.00
TOTAL ADJUSTMENTS	\$ 56,592,513	\$ -	\$ 5,893,580	\$ -	\$ -	\$ -	62,486,093	8	8
SUBCOMMITTEE RECOMMENDATION *	\$ 681,008,933	\$ -	\$ 26,663,258	\$ -	\$ -	\$ -	707,672,191	180	179.80
% Change from 2023-25 Leg Approved Budget	14.6%	0.0%	19.3%	0.0%	0.0%	0.0%	14.8%	(6.3%)	10.1%
% Change from 2025-27 Current Service Level	9.1%	0.0%	28.4%	0.0%	0.0%	0.0%	9.7%	4.7%	4.7%

\*Excludes Capital Construction Expenditures

# Legislatively Approved 2025 - 2027 Key Performance Measures

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**Agency:** Public Defense Commission

**Mission Statement:**

Ensure the delivery of quality public defense services in Oregon in the most cost-efficient manner possible.

Legislatively Approved KPMs	Metrics	Agency Request	Last Reported Result	Target 2026	Target 2027
1. APPELLATE CASE PROCESSING - Median number of days to file opening brief.		Approved	205	180	180
2. CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.	Timeliness	Approved	15%	95%	95%
	Accuracy		51%	95%	95%
	Availability of Information		34%	95%	95%
	Overall		18%	95%	95%
	Helpfulness		52%	95%	95%
	Expertise		47%	95%	95%
3. BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.		Approved	93%	100%	100%
4. TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1] Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases.		Approved	35%	90%	90%
5. PARENT CHILD REPRESENTATION PROGRAM (PCRP) - Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.[1] [1] For a discussion on determining decision-making capacity, see The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary, Oregon State Bar, Report of the Task Force on Standards of Representation in Juvenile Dependency Cases (2014).		Approved	8%	95%	95%
6. PROVISIONING OF PUBLIC DEFENSE - The percentage of financially eligible defendants/persons receiving a public defender.		Approved		100%	100%

**LFO Recommendation:**

The Commission's Key Performance Measure (KPM) outcomes continue to exhibit suboptimal performance. After receiving direction from both the 2021 and 2023 Legislatures, the Commission has undertaken little discernable effort to undertake a comprehensive review and restructuring of the Commission's KPMS, targets, and data to align with the programmatic structure of the agency. While the Commission did submit a Quality Management Plan and Key Performance Measurements report to the 2024 Legislature, there has been no subsequent action by the Commission to update the Commission's KPMs.

The Legislative Fiscal Office makes the following recommendations: (a) add a new KPM related to the percentage of financially eligible defendants/persons receiving a public defender with a target of 100%; (b) approval of the Commission's existing Performance Measurements and targets; and (c) direct the Public Defense Commission to report to the 2026 Legislative Session with a comprehensive restructuring of the Commission's Key Performance Measures and targets for the 2027-29 biennium.



**SubCommittee Action:**

The Public Safety Subcommittee adopted the Legislative Fiscal Office recommendations for the Public Defense Commission.