

House Bill 2296

Sponsored by Representative MANNIX (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes each county in charge of public defense within the county. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 81.8).

Directs the governing body of each county to coordinate the provision of public defense services within the county.

Modifies the duties of the Oregon Public Defense Commission. Directs the commission to develop policies, standards and procedures for the provision of public defense in coordination with the governing body of each county. Directs the commission to assist the counties in providing public defense services and to provide funds to counties on a proportionate basis for public defense.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to public defense; creating new provisions; amending ORS 34.355, 40.225, 125.080, 135.055,
3 136.603, 138.590, 151.211, 151.216, 151.219, 151.485, 151.493, 161.309, 161.346, 161.365, 181A.010,
4 419A.211, 419A.252, 419C.380, 419C.535, 426.135, 426.250, 427.265, 427.295 and 433.466 and section
5 102, chapter 281, Oregon Laws 2023; repealing sections 96 and 97, chapter 281, Oregon Laws
6 2023; and prescribing an effective date.

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

COUNTY PUBLIC DEFENSE SERVICES PLAN

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11 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 151.211 to**
12 **151.221.**

13 **SECTION 2. (1)(a) The governing body of each county shall determine how public defense**
14 **services in circuit court proceedings are to be delivered within the county and shall develop**
15 **a county public defense services plan in accordance with subsection (2) of this section.**

16 **(b) A county may join with other counties in developing the public defense services plan**
17 **and delivering public defense services.**

18 **(c) The Oregon Public Defense Commission shall assist each county governing body in the**
19 **development of a public defense services plan described in this subsection.**

20 **(2) The governing body of each county, on behalf of the county, shall enter into contracts**
21 **with individual attorneys and private law firms for the provision of public defense services**
22 **in circuit courts within the county. Contracts shall be funded using moneys distributed to**
23 **the county by the Oregon Public Defense Commission under ORS 151.216.**

24 **(3) The governing body of each county shall:**

25 **(a) Pay for fees and expenses reasonably associated with representation as provided in**
26 **ORS 135.055.**

27 **(b) Determine and pay the cost of appointed counsel under ORS 135.055.**

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 (c) **Send to the Oregon Public Defense Commission a monthly accounting of fees and**
 2 **costs paid for public defense services.**

3 (4) **The governing body of each county may designate persons as representatives of the**
 4 **county for the purposes of determining and paying bills submitted to the Oregon Public De-**
 5 **fense Commission and determining preauthorization for incurring fees and expenses under**
 6 **ORS 135.055.**

7 (5) **The governing body of the county shall, in cooperation with the Oregon Public De-**
 8 **fense Commission, establish policies and procedures for public defense services within the**
 9 **county as described in ORS 151.216.**

10 **SECTION 3.** ORS 151.211, as amended by section 93, chapter 281, Oregon Laws 2023, is
 11 amended to read:

12 151.211. For purposes of ORS 151.211 to 151.221:

13 (1) “Appointed counsel” includes [*trial-level and*] appellate attorneys who are employees of the
 14 Oregon Public Defense Commission[,] **and** attorneys [*employed by a nonprofit public defense organ-*
 15 *ization and attorneys*] **who contract with the governing body of a county to provide public de-**
 16 **fense services, regardless of whether the attorney is** on the panel of qualified counsel described
 17 in ORS 151.216 (5) [*who contract with the commission to provide public defense services*].

18 (2) “Chief Justice” means the Chief Justice of the Supreme Court.

19 (3) “Commission” means the Oregon Public Defense Commission.

20 [(4) “Nonprofit public defense organization” means a nonprofit organization that employs attorneys
 21 who provide public defense services.]

22 **SECTION 4.** ORS 151.216, as amended by sections 78, 94 and 101, chapter 281, Oregon Laws
 23 2023, is amended to read:

24 151.216. (1) The Oregon Public Defense Commission shall:

25 [(a) *Establish and maintain a public defense system that ensures the provision of public defense*
 26 *services consistent with the Oregon Constitution, the United States Constitution and Oregon and na-*
 27 *tional standards of justice.*]

28 (a) **Distribute funds appropriated to the commission by the Legislative Assembly for**
 29 **public defense services to the governing body of each county, proportionate to the county’s**
 30 **population, to fund public defense services within the county.**

31 (b) **In consultation with the governing body of each county,** adopt policies for public defense
 32 providers that:

33 (A) Ensure compensation, resources and caseloads **in each county** are in accordance with na-
 34 tional and regional best practices;

35 (B) [*Ensure*] **Assist the governing body of each county in ensuring that** all public defense
 36 provider contracts provide for compensation that is commensurate with the character of service
 37 performed; **and**

38 (C) Ensure funding and resources to support required data collection and training
 39 requirements[; *and*].

40 [(D) *Recognize the need to consider overhead costs that account for the cost of living and business*
 41 *cost differences in each county or jurisdiction, including but not limited to rent, professional member-*
 42 *ship dues, malpractice insurance and other insurance and other reasonable and usual operating*
 43 *costs.*]

44 (c) [*Establish*] **Assist the governing body of each county in establishing** operational and
 45 contracting systems that allow for oversight, ensure transparency and stakeholder engagement and

1 promote equity, inclusion and culturally specific representation.

2 (d) Review the caseload policies described in paragraph (b)(A) of this subsection annually, and,
 3 **in consultation with the governing body of each county**, revise the policies as necessary and at
 4 least every four years.

5 (e) [*Adopt*] **Assist the governing body of each county in adopting** a [*statewide*] **county**
 6 workload plan, based on the caseload policies described in paragraph (b)(A) of this subsection, that
 7 takes into account the needs of each county or jurisdiction, practice structure and type of practice
 8 [*overseen by the commission*].

9 (f) Submit the budget of the commission to the Legislative Assembly after the budget is submit-
 10 ted to the commission by the executive director and approved by the voting members of the com-
 11 mission. The chairperson of the commission shall present the budget to the Legislative Assembly.

12 (g) Adopt a compensation plan, classification system and affirmative action plan for the **em-**
 13 **ployees of the** commission that are commensurate with other state agencies.

14 (h) **In consultation with the governing body of each county**, adopt policies, procedures,
 15 standards and guidelines regarding:

16 (A) The determination of financial eligibility of persons entitled to be represented by appointed
 17 counsel at state expense;

18 (B) The appointment of counsel, including the appointment of counsel at state expense regard-
 19 less of financial eligibility in juvenile delinquency matters;

20 (C) The fair compensation of counsel appointed to represent a person financially eligible for
 21 appointed counsel at state expense, **in an amount specific to each county**;

22 (D) Appointed counsel compensation disputes;

23 (E) The costs associated with the representation of a person by appointed counsel in the state
 24 courts that are required to be paid by the state; and

25 (F) The types of fees and expenses subject to a preauthorization requirement.

26 (i) Reimburse the State Court Administrator from funds deposited in the Public Defense Services
 27 Account established by ORS 151.225 for the costs of personnel and other costs associated with lo-
 28 cation of eligibility verification and screening personnel pursuant to ORS 151.489 by the State Court
 29 Administrator.

30 (j) **In consultation with the governing body of each county**, develop, adopt and oversee the
 31 implementation, enforcement and modification of policies, procedures, minimum standards and
 32 guidelines to ensure that public defense providers are providing effective assistance of counsel con-
 33 sistent to all eligible persons in this state as required by statute and the Oregon and United States
 34 Constitutions. The policies, procedures, standards and guidelines described in this paragraph apply
 35 to employees of the commission and to any person or entity that contracts with the commission to
 36 provide public defense services in this state.

37 (k) **In consultation with the governing body of each county**, set minimum standards by which
 38 appointed counsel are trained and supervised.

39 (L) Establish a system, policies and procedures for the mandatory collection of data concerning
 40 the operation of the commission and all public defense providers.

41 (m) [*Enter*] **Assist the governing body of each county in entering** into contracts [*and hire*
 42 *attorneys*] to bring the delivery of public defense services into and maintain compliance with the
 43 minimum policies, procedures, standards and guidelines described in this subsection. [*All contracts*
 44 *for the provision of public defense services to which the commission is a party must include a re-*
 45 *quirement for collection by the commission of data determined by the commission to be qualitatively*

1 *necessary for any report required to be submitted to the Legislative Assembly.]*

2 (n) At least once every two years, report to the interim committees of the Legislative Assembly
3 related to the judiciary, in the manner provided in ORS 192.245, and to the Governor and Chief
4 Justice, concerning compliance metrics for the minimum standards described in this subsection and
5 recommendations for legislative changes.

6 (o) **In consultation with the governing body of each county**, develop standard operating ex-
7 pectations for persons and entities providing public defense services.

8 (p) In consultation with the Judicial Department, ensure the existence of policies that create a
9 standardized process for determining and verifying financial eligibility for appointed counsel under
10 ORS 151.485.

11 (q) Ensure access to systematic and comprehensive training programs for attorneys for the
12 purpose of meeting statewide standards set by the commission.

13 (r) Enter into contracts or interagency agreements with the Oregon Department of Administra-
14 tive Services for the purpose of supporting state public defense population forecasts and other re-
15 lated forecasts.

16 (s) Establish any other policies, procedures, standards and guidelines for the conduct of the
17 commission's affairs and promulgate policies necessary to carry out all powers and duties of the
18 commission.

19 (2) When establishing the minimum policies, procedures, standards and guidelines described in
20 this section, the commission **and county governing bodies** shall adhere to the following principles:

21 (a) Appointed counsel shall be provided sufficient time and a space where attorney-client
22 confidentiality is safeguarded for meetings with clients.

23 (b) The workload of appointed counsel must be controlled to permit effective representation.
24 Economic disincentives or incentives that impair the ability of appointed counsel to provide effective
25 assistance of counsel must be avoided. The commission may develop workload controls to enhance
26 appointed counsel's ability to provide effective representation.

27 (c) The ability, training and experience of appointed counsel must match the nature and com-
28 plexity of the case to which the counsel is appointed.

29 (d) The same appointed counsel shall continuously represent a client throughout the pendency
30 of the case and shall appear at every court appearance other than ministerial hearings.

31 (e) The commission **and the governing body of each county** shall establish continuing legal
32 education requirements for public defense providers who are employed by [*or contract with*] the
33 commission **or who contract with a county** that are specific to the subject matter area and prac-
34 tice of each type of court-appointed counsel.

35 (f) The commission and [*public defense providers*] **counties** shall systematically review appointed
36 counsel for efficiency and for effective representation according to commission standards.

37 (3) The commission shall be organized in a manner for the effective delivery of public defense
38 services as prescribed by the policies and procedures created pursuant to statute to financially eli-
39 gible persons and consistent with the budgetary structure established for the commission by the
40 Legislative Assembly.

41 (4) The commission shall hire attorneys to serve as appointed counsel **in appeals before the**
42 **Court of Appeals and the Supreme Court**[, *including at the trial level in Oregon circuit courts, and*
43 *shall establish a trial division within the commission consisting of attorneys employed by the commis-*
44 *sion who are trial-level public defense providers*].

45 (5)(a) The commission [*shall*] **may** establish, supervise and maintain a panel of qualified counsel

1 who contract with the [commission] **county** and are directly assigned to cases. The commission shall
 2 develop a process for certification of attorneys to the panel with periodic eligibility and case review.
 3 Panel attorneys are not employees of the commission **or the county**.

4 (b) The payment of panel counsel[:]

5 [(A) *May not be lower than the hourly rate established by the commission.*]

6 [(B) *Shall be adjusted to reflect the same percentage amount of any positive cost of living adjust-*
 7 *ment granted to employees in the management service in other executive branch agencies.*]

8 [(C)] may not provide a financial conflict of interest or economic incentives or disincentives that
 9 impair an attorney’s ability to provide effective representation.

10 [(6)(a) *The commission may enter into contracts for the provision of public defense services with*
 11 *nonprofit public defense organizations.*]

12 [(b) *The commission may not enter into a contract or agreement that pays appointed counsel a flat*
 13 *fee per case.*]

14 **(6) The commission shall assist the governing body of each county in providing public**
 15 **defense services in the county under section 2 of this 2025 Act.**

16 (7) The policies, procedures, standards and guidelines adopted by the commission must be made
 17 available in an accessible manner to the public on the commission’s website.

18 (8) Policies, procedures, standards and guidelines adopted by the commission supersede any
 19 conflicting rules, policies or procedures of the Public Defender Committee, State Court Administra-
 20 tor, circuit courts, the Court of Appeals, the Supreme Court and the Psychiatric Security Review
 21 Board related to the exercise of the commission’s administrative responsibilities under this section
 22 and transferred duties, functions and powers as they occur.

23 (9) The commission may accept gifts, grants or contributions from any source, whether public
 24 or private. However, the commission may not accept a gift, grant or contribution if acceptance
 25 would create a conflict of interest. Moneys accepted under this subsection shall be deposited in the
 26 Public Defense Services Account established by ORS 151.225 and expended for the purposes for
 27 which given or granted.

28 (10) With the approval of a majority of the voting members of the commission, the commission
 29 may advocate for or against legislation before the Legislative Assembly or policies or budgets being
 30 considered by the Legislative Assembly.

31 (11) The commission shall request that the Governor include in the Governor’s requested budget,
 32 for each fiscal period, at a minimum, the amount of funds identified by the commission as being
 33 necessary to carry out the duties and activities of the commission.

34 (12) The commission may adopt rules pursuant to ORS chapter 183.

35 **SECTION 5.** ORS 151.219, as amended by section 95, chapter 281, Oregon Laws 2023, is
 36 amended to read:

37 151.219. (1) The executive director of the Oregon Public Defense Commission shall:

38 (a) Designate a deputy director of the commission who serves at the pleasure of the executive
 39 director.

40 (b) Hire necessary staff for the commission.

41 (c) Recommend to the commission **and to the governing body of each county** how to establish
 42 and maintain, in a cost-effective manner, the delivery of legal services to persons entitled to, and,
 43 where applicable, financially eligible for, appointed counsel at state expense under Oregon statutes,
 44 the Oregon Constitution, the United States Constitution and consistent with Oregon and national
 45 standards of justice.

1 (d) Implement and ensure compliance with contracts, policies, procedures, standards and guide-
 2 lines adopted by the commission **or a county** or required by statute.

3 (e) Prepare and submit to the commission for its approval the biennial budget of the commission.

4 *[(f) Negotiate contracts, as appropriate, for providing legal services to persons eligible for appointed
 5 counsel at state expense in accordance with ORS 151.216 (5) and (6).]*

6 **(f) Coordinate with the governing body of each county for the provision of public defense
 7 services within the county, including assisting with negotiating contracts with public defense
 8 providers.**

9 (g) Employ personnel or contract for services as necessary to carry out the responsibilities of
 10 the executive director and the commission.

11 (h) Supervise the personnel, operation and activities of the commission.

12 (i) Provide services, facilities and materials necessary for the performance of the duties, func-
 13 tions and powers of the commission.

14 (j) Pay the expenses of the commission.

15 (k) Prepare and submit to the members of the commission an annual report of the activities of
 16 the commission.

17 (L) Provide for legal representation, advice and consultation for the commission, its members,
 18 the executive director and staff of the commission who require such services or who are named as
 19 defendants in lawsuits arising from their duties, functions and responsibilities. If requested by the
 20 executive director, the Attorney General may also provide for legal representation, advice and
 21 consultation for the commission, its members, the executive director and staff of the commission in
 22 litigation.

23 (2) The executive director may[:]

24 *[(a) Designate persons as representatives of the executive director for the purposes of determining
 25 and paying bills submitted to the commission and determining preauthorization for incurring fees and
 26 expenses under ORS 135.055.]*

27 *[(b)]* establish an external advisory group to assist in developing the standard operating expect-
 28 ations for persons and entities providing public defense services.

29 **SECTION 6.** ORS 135.055 is amended to read:

30 135.055. (1) Counsel appointed pursuant to ORS 135.045 or 135.050 shall be paid fair compen-
 31 sation for representation in the case[:]

32 *[(a)]* by the county, subject to the approval of the governing body of the county, in a proceeding
 33 in a county, *[or]* justice **or circuit** court.

34 *[(b) By the executive director of the Oregon Public Defense Commission from funds available for
 35 the purpose, in a proceeding in a circuit court.]*

36 (2) Except for counsel appointed pursuant to contracts or counsel employed by the Oregon
 37 Public Defense Commission, compensation payable to appointed counsel under subsection (1) of this
 38 section:

39 (a) In a proceeding in a county or justice court may not be less than \$30 per hour.

40 (b) In a proceeding in a circuit court is subject to the applicable compensation established under
 41 ORS 151.216.

42 (3)(a) A person determined to be eligible for appointed counsel is entitled to necessary and
 43 reasonable fees and expenses for investigation, preparation and presentation of the case for trial,
 44 negotiation and sentencing. The person or the counsel for the person shall upon written request
 45 secure preauthorization to incur fees and expenses that are necessary and reasonable in the inves-

1 tigation, preparation and presentation of the case and that require preauthorization under a policy
 2 of the Oregon Public Defense Commission **for that county**, including but not limited to travel,
 3 photocopying or other reproduction of documents, necessary costs associated with obtaining the at-
 4 tendance of witnesses for the defense, investigator fees and expenses, expert witness fees and ex-
 5 penses and fees for interpreters and assistive communication devices necessary for the purpose of
 6 communication between counsel and a client or witness in the case. Preauthorization to incur a fee
 7 or expense does not guarantee that a fee or expense incurred pursuant to the preauthorization will
 8 be determined to be necessary or reasonable when the fee or expense is submitted for payment.

9 (b) In a county or justice court, the request must be in the form of a motion to the court. The
 10 motion must be accompanied by a supporting affidavit that sets out in detail the purpose of the re-
 11 quested expenditure, the name of the service provider or other recipient of the funds, the dollar
 12 amount of the requested expenditure that may not be exceeded without additional authorization and
 13 the date or dates during which the service will be rendered or events will occur for which the ex-
 14 penditure is requested.

15 (c) In a circuit court, the request must be in the form and contain the information that is re-
 16 quired by the policies, procedures, standards and guidelines of the **county and the** Oregon Public
 17 Defense Commission. If the [*executive director of the commission*] **governing body of the county**
 18 denies a request for preauthorization to incur fees and expenses subject to a preauthorization re-
 19 quirement, the person making the request may appeal the decision to the presiding judge of the
 20 circuit court. The presiding judge has final authority to preauthorize incurring fees and expenses
 21 under this paragraph.

22 (d) Entitlement under subsection (7) of this section to payment for fees and expenses in circuit
 23 court is subject to the policies, procedures, standards and guidelines adopted under ORS 151.216.
 24 Entitlement to payment of fees and expenses subject to a preauthorization requirement is dependent
 25 upon obtaining preauthorization from the court, if the case is in county or justice court, or from the
 26 [*executive director of the Oregon Public Defense Commission*] **governing body of the county**, if the
 27 case is in circuit court, except as otherwise provided in paragraph (c) of this subsection and in the
 28 policies, procedures, standards and guidelines adopted under ORS 151.216. Fees and expenses shall
 29 be paid:

30 (A) By the county, in respect to a proceeding in a county, [*or*] justice **or circuit** court.

31 [(B) *By the executive director of the commission from funds available for the purpose, in respect*
 32 *to a proceeding in a circuit court.*]

33 [(C)] (B) By the city, in respect to a proceeding in municipal court.

34 (4) Upon completion of all services by the counsel of a person determined to be eligible for ap-
 35 pointed counsel, the counsel shall submit a statement of all necessary and reasonable fees and ex-
 36 penses of investigation, preparation and presentation and, if counsel was appointed by the court, a
 37 statement of all necessary and reasonable fees and expenses for legal representation, supported by
 38 appropriate receipts or vouchers and certified by the counsel to be true and accurate.

39 (5) In a county or justice court, the total fees and expenses payable under this section must be
 40 submitted to the court by counsel or other providers and are subject to the review of the court. The
 41 court shall certify that such amount is fair reimbursement for fees and expenses for representation
 42 in the case as provided in subsection (6) of this section. Upon certification and any verification as
 43 provided under subsection (6) of this section, the amount of the fees and expenses approved by the
 44 court and not already paid shall be paid by the county.

45 (6) In a county or justice court, the court shall certify to the administrative authority respon-

1 sible for paying fees and expenses under this section that the amount for payment is reasonable and
 2 that the amount is properly payable out of public funds.

3 (7) In a circuit court, the total fees and expenses payable under this section must be submitted
 4 to and are subject to review by the [executive director of the Oregon Public Defense Commission]
 5 **governing body of the county**. The [executive director of the commission] **governing body** shall
 6 determine whether the amount is necessary, reasonable and properly payable from public funds for
 7 fees and expenses for representation in the case as provided by the policies, procedures, standards
 8 and guidelines of the commission. The [executive director of the commission] **county** shall pay the
 9 amount of the fees and expenses determined necessary, reasonable and properly payable out of
 10 public funds. The court shall provide any information identified and requested by the [executive di-
 11 rector of the commission] **governing body of the county** as needed for audit, statistical or any other
 12 purpose pertinent to ensure the proper disbursement of state funds or pertinent to the provision of
 13 appointed counsel compensated at state expense.

14 (8) If the [executive director of the Oregon Public Defense Commission] **governing body of the**
 15 **county** denies, in whole or in part, fees and expenses submitted for review and payment, the person
 16 who submitted the payment request may appeal the decision to the presiding judge of the circuit
 17 court. The presiding judge or the designee of the presiding judge shall review the [executive
 18 director's] **governing body's** decision for abuse of discretion. The decision of the presiding judge or
 19 the designee of the presiding judge is final.

20 (9) The following may not be disclosed to the district attorney prior to the conclusion of a case:

21 (a) Requests and administrative or court orders for preauthorization to incur fees and expenses
 22 subject to a preauthorization requirement in the investigation, preparation and presentation of the
 23 case; and

24 (b) Billings for such fees and expenses submitted by counsel or other providers.

25 (10) Notwithstanding subsection (9) of this section, the total amount of moneys determined to
 26 be necessary and reasonable for fees and expenses subject to a preauthorization requirement may
 27 be disclosed to the district attorney at the conclusion of the trial in the circuit court.

28 (11) As used in this section unless the context requires otherwise, "counsel" includes a legal
 29 advisor appointed under ORS 135.045.

30 **SECTION 7.** Section 102, chapter 281, Oregon Laws 2023, is amended to read:

31 **Sec. 102.** (1)(a) The amendments to ORS 151.211, 151.216 and 151.219 by sections 93 to 95, [of
 32 *this 2023 Act*] **chapter 281, Oregon Laws 2023**, become operative on July 1, 2025.

33 (b) The amendments to ORS 151.213 [and 151.216] by [sections 100 and 101 of this 2023 Act]
 34 **section 100, chapter 281, Oregon Laws 2023**, become operative on July 1, 2027.

35 (c) **The amendments to ORS 151.216 by section 101, chapter 281, Oregon Laws 2023, be-**
 36 **come operative on January 1, 2026.**

37 (2)(a) A person who is a member of the Oregon Public Defense Commission on July 1, 2027, may
 38 finish the person's term as a commission member and is eligible for reappointment, but, beginning
 39 July 1, 2027, may be removed by the Governor only for inefficiency, neglect of duty or malfeasance
 40 in office.

41 (b) The person serving as executive director of the Oregon Public Defense Commission on July
 42 1, 2027, may finish the person's term as executive director and is eligible for reappointment, but,
 43 beginning on July 1, 2027, serves at the pleasure of the voting members of the commission.

44 (3) The Oregon Public Defense Commission, the Oregon Department of Administrative Services
 45 and the Governor may take any action before the operative dates specified in subsection (1) of this

1 section that is necessary to enable the commission to exercise, on and after the operative dates
 2 specified in subsection (1) of this section, all of the duties, functions and powers conferred on those
 3 entities by the amendments to ORS 151.211, 151.213, 151.216 and 151.219 by sections 93 to 95, 100
 4 and 101, [of this 2023 Act] **chapter 281, Oregon Laws 2023.**

5 **SECTION 8. (1) The amendments to ORS 135.055, 151.211, 151.216 and 151.219 by sections**
 6 **3 to 6 of this 2025 Act become operative on January 1, 2026.**

7 **(2) The Oregon Public Defense Commission and the governing body of a county may take**
 8 **any action before the operative date specified in subsection (1) of this section that is neces-**
 9 **sary to enable the commission and county to exercise, on and after the operative date spec-**
 10 **ified in subsections (1) of this section, all of the duties, functions and powers conferred on**
 11 **those entities by the amendments to ORS 135.055, 151.211, 151.216 and 151.219 by sections 3**
 12 **to 6 of this 2025 Act.**

13 **SECTION 9. Sections 96 and 97, chapter 281, Oregon Laws 2023, are repealed.**

14
 15 **CONFORMING AMENDMENTS**

16
 17 **SECTION 10.** ORS 34.355 is amended to read:

18 34.355. If counsel is appointed by a court to represent, in an initial proceeding by habeas corpus
 19 or on appeal as provided in ORS 34.710, a person who is imprisoned or otherwise restrained of lib-
 20 erty by virtue of a charge or conviction of crime and who is determined to be financially eligible
 21 for appointed counsel at state expense, the **county shall determine compensation for counsel and**
 22 **costs and expenses in the proceeding and the** executive director of the Oregon Public Defense
 23 Commission shall determine compensation for counsel and costs and expenses of the person [*in the*
 24 *proceeding or*] on appeal. Compensation for counsel and expenses of the person in an initial pro-
 25 ceeding or in a circuit court on appeal shall be determined and paid as provided in ORS 135.055.
 26 Compensation for counsel and costs and expenses of the person on appeal to the Court of Appeals
 27 or on review by the Supreme Court shall be determined and paid as provided in ORS 138.500. The
 28 compensation and expenses so allowed in an initial proceeding in a county court shall be paid by
 29 the county in which the person was charged or convicted of crime.

30 **SECTION 11.** ORS 40.225 is amended to read:

31 40.225. (1) As used in this section, unless the context requires otherwise:

32 (a) “Client” means:

33 (A) A person, public officer, corporation, association or other organization or entity, either
 34 public or private, who is rendered professional legal services by a law practitioner, or who consults
 35 a law practitioner with a view to obtaining professional legal services from the law practitioner.

36 (B) A person, public officer, corporation, association or other organization or entity, either
 37 public or private, who consults a legal referral service with a view to obtaining professional legal
 38 services from a law practitioner.

39 (b) “Confidential communication” means a communication not intended to be disclosed to third
 40 persons other than those to whom disclosure is in furtherance of the rendition of professional legal
 41 services to the client or those reasonably necessary for the transmission of the communication.

42 (c) “Law practitioner” means a person authorized, or reasonably believed by the client to be
 43 authorized, to practice law in any state or nation.

44 (d) “Legal referral service” means an entity that, as a regular part of its business, refers po-
 45 tential clients to law practitioners, including but not limited to a public nonprofit entity sponsored

1 or operated by the Oregon State Bar.

2 (e) "Representative of the client" means:

3 (A) A principal, an officer or a director of the client; or

4 (B) A person who has authority to obtain professional legal services, or to act on legal advice
5 rendered, on behalf of the client, or a person who, for the purpose of effectuating legal represen-
6 tation for the client, makes or receives a confidential communication while acting in the person's
7 scope of employment for the client.

8 (f) "Representative of the law practitioner" means one employed to assist the law practitioner
9 in the rendition of professional legal services, but does not include a physician making a physical
10 or mental examination under ORCP 44.

11 (2) A client has a privilege to refuse to disclose and to prevent any other person from disclosing
12 confidential communications made for the purpose of facilitating the rendition of professional legal
13 services to the client:

14 (a) Between the client or the client's representative and the client's law practitioner or a rep-
15 resentative of the law practitioner;

16 (b) Between the client's law practitioner and the law practitioner's representative or the client's
17 legal referral service;

18 (c) By the client or the client's law practitioner to a law practitioner representing another in
19 a matter of common interest;

20 (d) Between representatives of the client or between the client and a representative of the cli-
21 ent;

22 (e) Between law practitioners representing the client; or

23 (f) Between the client or a representative of the client and a legal referral service.

24 (3) The privilege created by this section may be claimed by the client, a guardian or conservator
25 of the client, the personal representative of a deceased client, or the successor, trustee, or similar
26 representative of a corporation, association, or other organization, whether or not in existence. The
27 person who was the law practitioner or legal referral service or the law practitioner's represen-
28 tative at the time of the communication is presumed to have authority to claim the privilege but
29 only on behalf of the client.

30 (4) There is no privilege under this section:

31 (a) If the services of the law practitioner or legal referral service were sought or obtained to
32 enable or aid anyone to commit or plan to commit what the client knew or reasonably should have
33 known to be a crime or fraud;

34 (b) As to a communication relevant to an issue between parties who claim through the same
35 deceased client, regardless of whether the claims are by testate or intestate succession or by inter
36 vivos transaction;

37 (c) As to a communication relevant to an issue of breach of duty by the law practitioner or legal
38 referral service to the client or by the client to the law practitioner or legal referral service;

39 (d) As to a communication relevant to an issue concerning an attested document to which the
40 law practitioner or legal referral service is an attesting witness; or

41 (e) As to a communication relevant to a matter of common interest between two or more clients
42 if the communication was made by any of them to a law practitioner retained or consulted in com-
43 mon, when offered in an action between any of the clients.

44 (5) Notwithstanding ORS 40.280, a privilege is maintained under this section for a communi-
45 cation made to the [*Oregon Public Defense Commission*] **governing body of a county** for the purpose

1 of seeking preauthorization for or payment of fees or expenses under ORS 135.055.

2 (6) Notwithstanding subsection (4)(c) of this section and ORS 40.280, a privilege is maintained
 3 under this section for a communication that is made to the **governing body of a county or the**
 4 **Oregon Public Defense Commission** for the purpose of making, or providing information regarding,
 5 a complaint against a law practitioner providing public defense services.

6 (7) Notwithstanding ORS 40.280, a privilege is maintained under this section for a communi-
 7 cation ordered to be disclosed under ORS 192.311 to 192.478.

8 **SECTION 12.** ORS 125.080 is amended to read:

9 125.080. (1) The court may require that a hearing be held on any petition or motion in a pro-
 10 tective proceeding.

11 (2) A hearing must be held on a petition or motion if the respondent or protected person makes
 12 or files an objection to the petition or motion and the objection is not withdrawn before the time
 13 scheduled for the hearing.

14 (3) A hearing must be held on a motion to modify a guardian’s powers under ORS 125.323.

15 (4) The respondent or protected person may appear at a hearing in person or by counsel.

16 (5) If the hearing is regarding a petition for appointment of a guardian for a vulnerable youth
 17 or a petition involving a vulnerable youth guardianship, the court:

18 (a) May allow the respondent or protected person, proposed guardian, guardian or any other
 19 witness to appear by telephone, video or other remote technology;

20 (b)(A) May take testimony from or confer with the respondent or protected person and may ex-
 21 clude from the conference others if the court finds that doing so would be in the best interests of
 22 the respondent or protected person; and

23 (B) Notwithstanding subparagraph (A) of this paragraph, shall permit any attorney for the re-
 24 spondent or protected person to attend the conference and the conference must be reported;

25 (c) May not inquire into the nationality or current immigration status of the proposed guardian,
 26 guardian or any other witness; and

27 (d) May not inquire about any prior immigration status of the respondent or protected person
 28 or about the manner or place in which the respondent or protected person entered the United States
 29 of America.

30 (6)(a) If the court requires that a hearing be held or a hearing is otherwise required under this
 31 section, the court shall appoint counsel for the respondent or protected person when:

32 (A) The respondent or protected person requests that counsel be appointed;

33 (B) An objection is made or filed to the petition or motion by any person;

34 (C) The court has appointed a visitor under ORS 125.150, 125.160 or 125.605, and the visitor re-
 35 commends appointment of counsel for the respondent or protected person; or

36 (D) The court determines that the respondent or protected person is in need of legal counsel.

37 (b) The court is not required to appoint counsel under this subsection if the respondent or pro-
 38 tected person is already represented by counsel or otherwise objects to appointment of counsel.

39 (7) If the court appoints counsel under subsection (6) of this section:

40 (a) The court shall order payment of attorney fees and costs from the guardianship or conser-
 41 vatorship estate of the respondent or protected person if sufficient funds exist to pay all or a portion
 42 of the attorney fees and costs due; or

43 (b) The court may determine that a respondent or protected person is financially eligible for
 44 appointed counsel at state expense and, if so, the compensation for legal counsel and costs and ex-
 45 penses necessary for representation of the respondent or protected person shall be determined and

1 paid by the *[executive director of the Oregon Public Defense Commission]* **county** as provided under
 2 ORS 135.055.

3 **SECTION 13.** ORS 136.603 is amended to read:

4 136.603. (1)(a) Whenever any person attends any court, grand jury or committing magistrate as
 5 a witness on behalf of the prosecution or of any person accused of a crime upon request of the
 6 district attorney or city attorney or pursuant to subpoena, or by virtue of a recognizance for that
 7 purpose, and it appears that the witness has come from outside the state or that the witness is in-
 8 digent, the court may, by an order entered in its records, direct payment to the witness of such sum
 9 of money as the court considers reasonable for the expenses of the witness. The order of the court,
 10 so entered, is sufficient authority for the payment.

11 (b) Except as otherwise specifically provided by law, if a witness who is to be paid expenses
 12 pursuant to this subsection:

13 (A) Attends a grand jury, a circuit court or judge thereof, a judge of a county court or a justice
 14 of the peace, on behalf of the prosecution, payment shall be made by the county.

15 (B) Attends a municipal court or judge thereof on behalf of the prosecution, payment shall be
 16 made by the city.

17 (C) Attends a circuit court or judge thereof on behalf of a financially eligible defendant, payment
 18 shall be made by the *[executive director of the Oregon Public Defense Commission]* **county**.

19 (D) Attends a judge of the county court or a justice of the peace on behalf of a financially eli-
 20 gible defendant, payment shall be made by the county.

21 (E) Attends a municipal court or judge thereof on behalf of a financially eligible defendant,
 22 payment shall be made by the city.

23 (F) Attends any court on behalf of a defendant who is not financially eligible, payment shall be
 24 made by the defendant, and the court shall so order.

25 (2) In the case of a prisoner of a jurisdiction outside of this state who is required to attend as
 26 a witness in this state, whether for the prosecution or the defense, the sheriff shall be responsible
 27 for transporting the witness to the proper court of this state, and the sheriff shall assume any costs
 28 incurred in connection with the witness while the witness is in the custody of the sheriff. However,
 29 the sheriff and not the witness shall be entitled to the witness fees, mileage and expenses to which
 30 the witness would otherwise be entitled under this section and ORS 136.627 or other applicable law.

31 **SECTION 14.** ORS 138.590 is amended to read:

32 138.590. (1) Any petitioner who is unable to pay the expenses of a proceeding pursuant to ORS
 33 138.510 to 138.680 or to employ suitable counsel possessing skills and experience commensurate with
 34 the nature of the conviction and complexity of the case for the proceeding may proceed as a finan-
 35 cially eligible person pursuant to this section upon order of the circuit court in which the petition
 36 is filed.

37 (2) If the petitioner wishes to proceed as a financially eligible person, the person shall file with
 38 the petition an affidavit stating inability to pay the expenses of a proceeding pursuant to ORS
 39 138.510 to 138.680, including, but not limited to, the filing fee required by ORS 138.560, or to employ
 40 suitable counsel for such a proceeding. The affidavit shall contain a brief statement of the
 41 petitioner's assets and liabilities and income during the previous year. If the circuit court is satisfied
 42 that the petitioner is unable to pay such expenses or to employ suitable counsel, it shall order that
 43 the petitioner proceed as a financially eligible person. If the court finds that a petitioner who has
 44 been sentenced to death is not competent to decide whether to accept or reject the appointment of
 45 counsel, the court shall appoint counsel to represent the petitioner. However, when a circuit court

1 orders petitioner's case transferred to another circuit court as provided in ORS 138.560 (4), the
2 matter of petitioner's proceeding as a financially eligible person shall be determined by the latter
3 court.

4 (3) If a petitioner who has been sentenced to death qualifies for the appointment of counsel under
5 this section but rejects the appointment, the court shall determine, after a hearing if necessary,
6 whether the petitioner rejected the offer of counsel and made the decision with an understanding
7 of its legal consequences. The court shall make appropriate findings on the record.

8 (4) In the order to proceed as a financially eligible person, the circuit court shall appoint suit-
9 able counsel to represent petitioner. Counsel so appointed shall represent petitioner throughout the
10 proceedings in the circuit court. The court may not substitute one appointed counsel for another
11 except pursuant to the policies, procedures, standards and guidelines of the Oregon Public Defense
12 Commission.

13 (5) If counsel appointed by the circuit court determines that the petition as filed by petitioner
14 is defective, either in form or in substance, or both, counsel may move to amend the petition within
15 15 days following counsel's appointment, or within a further period as the court may allow. The
16 amendment shall be permitted as of right at any time during this period. If appointed counsel be-
17 lieves that the original petition cannot be construed to state a ground for relief under ORS 138.510
18 to 138.680, and cannot be amended to state a ground for relief, counsel shall, in lieu of moving to
19 amend the petition, inform the petitioner and notify the circuit court of counsel's belief by filing an
20 affidavit stating the belief and the reasons therefor with the clerk of the circuit court. This affidavit
21 does not constitute a ground for denying the petition prior to a hearing upon its sufficiency, but the
22 circuit court may consider the affidavit in deciding upon the sufficiency of the petition at the
23 hearing.

24 (6) When a petitioner has been ordered to proceed as a financially eligible person, the expenses
25 which are necessary for the proceedings upon the petition in the circuit court and the compensation
26 to appointed counsel for petitioner as provided in this subsection shall be paid by the [*executive di-*
27 *rector of the Oregon Public Defense Commission*] **county** from funds available for the purpose. At the
28 conclusion of proceedings on a petition pursuant to ORS 138.510 to 138.680, the [*executive director*]
29 **county** shall determine and pay, as provided by the policies, procedures, standards and guidelines
30 of the Oregon Public Defense Commission, the amount of expenses of petitioner and compensation
31 for the services of appointed counsel in the proceedings in the circuit court.

32 (7) If the [*executive director of the Oregon Public Defense Commission*] **county** denies, in whole
33 or in part, expenses and compensation submitted for review and payment, the person who submitted
34 the payment request may appeal the decision to the presiding judge of the circuit court. The pre-
35 siding judge or the designee of the presiding judge shall review the [*executive director's*] **county's**
36 decision for abuse of discretion. The decision of the presiding judge or the designee of the presiding
37 judge is final.

38 (8)(a) When a petitioner has been authorized to proceed as a financially eligible person, all court
39 fees in the circuit court, except for the filing fee required by ORS 138.560, are waived.

40 (b) When a petitioner is allowed to file a petition without payment of the fee required by ORS
41 138.560 due to inability to pay, the fee is not waived but may be drawn from, or charged against,
42 the petitioner's trust account if the petitioner is an adult in custody in a correctional facility.

43 (9) Notwithstanding any other provision of this chapter, a court may not appoint as counsel for
44 a petitioner who has been sentenced to death a counsel who previously represented the petitioner
45 at trial or on automatic and direct review in the case resulting in the death sentence unless the

1 petitioner and the counsel expressly request continued representation.

2 **SECTION 15.** ORS 151.485 is amended to read:

3 151.485. (1) For purposes of determining the financial eligibility for appointed counsel of persons
 4 with a constitutional or statutory right to counsel in matters before the state courts and whose
 5 counsel is authorized to be paid by **a county or** the executive director of the Oregon Public Defense
 6 Commission, a person is financially eligible for appointed counsel if the person is determined to be
 7 financially unable to retain adequate counsel without substantial hardship in providing basic eco-
 8 nomic necessities to the person or the person's dependent family under standards established by the
 9 Oregon Public Defense Commission under ORS 151.216.

10 (2) A determination of financial eligibility shall be made upon the basis of information contained
 11 in a detailed financial statement submitted by the person for whom counsel is requested or appointed
 12 or, in an appropriate case, by the person's parent, guardian or custodian. The financial statement
 13 shall be in the form prescribed by the Oregon Public Defense Commission. The form shall contain
 14 a full disclosure of all assets, liabilities, current income, dependents and other information required
 15 by ORS 135.050 (4) and, in addition, any information required by the commission and state courts
 16 as necessary to determine eligibility. The commission shall adopt uniform statewide guidelines and
 17 procedures that prescribe how to use the form and determine financial eligibility for appointed
 18 counsel.

19 (3) If at any time after the appointment of counsel the court having jurisdiction of the case finds
 20 that the defendant is financially able to obtain counsel, the court may terminate the appointment
 21 of counsel. If at any time during criminal proceedings the court having jurisdiction of the case finds
 22 that the defendant is financially unable to pay counsel whom the defendant has retained, the court
 23 may appoint counsel as provided in this section.

24 (4) In addition to any criminal prosecution, a civil proceeding may be initiated by any public
 25 body that has expended moneys for the defendant's legal assistance within two years of judgment
 26 if the defendant was not qualified for legal assistance in accordance with subsections (1) and (2) of
 27 this section. As used in this subsection, "legal assistance" includes legal counsel, transcripts, wit-
 28 ness fees and expenses and any other goods or services required by law to be provided to a finan-
 29 cially eligible person at state expense under ORS 151.216 and 151.219.

30 (5) The civil proceeding shall be subject to the exemptions from execution as provided for by
 31 law.

32 **SECTION 16.** ORS 151.493 is amended to read:

33 151.493. (1) Notwithstanding any other provision of law, any state agency as defined in ORS
 34 192.311 that receives a request for release of information from the state courts for the purpose of
 35 verifying the financial eligibility of a person under ORS 151.485 to 151.497 shall release all requested
 36 information to the state court. The court shall forward to the state agency a certification signed by
 37 the person about whom the requested information is sought that authorizes the release of the in-
 38 formation.

39 (2) Upon its own motion or motion of **the governing body of a county or** the executive director
 40 of the Oregon Public Defense Commission, a court that has appointed counsel for a person by reason
 41 of financial eligibility may order the release of any information relating to the person's financial
 42 situation held by any other person.

43 **SECTION 17.** ORS 161.309 is amended to read:

44 161.309. (1) The defendant may not introduce evidence on the issue of insanity under ORS
 45 161.295, unless the defendant:

1 (a) Gives notice of intent to do so in the manner provided in subsection (3) of this section; and
 2 (b) Files with the court a report of a psychiatric or psychological evaluation, conducted by a
 3 certified evaluator, in the manner provided in subsection (4) of this section.

4 (2) The defendant may not introduce in the case in chief expert testimony regarding partial re-
 5 sponsibility or diminished capacity under ORS 161.300 unless the defendant gives notice of intent to
 6 do so in the manner provided in subsection (3) of this section.

7 (3)(a) A defendant who is required under subsection (1) or (2) of this section to give notice shall
 8 file a written notice of purpose at least 45 days before trial.

9 (b) Notwithstanding paragraph (a) of this subsection, the court may, for good cause, permit the
 10 defendant to file the notice within 45 days before trial.

11 (c) If the defendant fails to file notice under this subsection, the defendant may not introduce
 12 evidence for the establishment of a defense under ORS 161.295 or 161.300 unless the court, in its
 13 discretion, permits the evidence to be introduced where just cause for failure to file the notice is
 14 shown.

15 (4) A defendant who is required under subsection (1) of this section to file a report of a psy-
 16 chiatric or psychological evaluation shall file the report before trial. The report must be based on
 17 an evaluation conducted after the date of the alleged offense and must address the issue of insanity
 18 under ORS 161.295 and the dispositional determination described in ORS 161.325. If the defendant
 19 fails to file a complete report before trial, the defendant may not introduce evidence for the estab-
 20 lishment of a defense under ORS 161.295 unless:

21 (a) The court, in its discretion, permits the evidence to be introduced when just cause for failure
 22 to file the report is shown; and

23 (b) If the defendant is charged with a felony, the defendant is tried by a jury.

24 (5)(a) A court may not accept a plea of guilty except for insanity to a felony unless a report
 25 described in subsection (4) of this section is filed with the court. If the report has not been filed, the
 26 court may order that a psychiatric or psychological evaluation of the defendant be conducted by a
 27 certified evaluator and a report of the evaluation be filed with the court.

28 (b) When the court orders an evaluation of a financially eligible person under this subsection,
 29 the court shall order the [*executive director of the Oregon Public Defense Commission*] **county** to pay
 30 a reasonable fee for the evaluation from funds available for that purpose.

31 (c) A certified evaluator performing an evaluation of a defendant on the issue of insanity under
 32 this subsection is not obligated to evaluate the defendant for fitness to proceed unless, during the
 33 evaluation, the certified evaluator determines that the defendant's fitness to proceed is drawn in
 34 question.

35 (6) Prior to accepting a plea of guilty except for insanity to a felony, the court shall inform the
 36 defendant of the possibility that the court may order commitment or conditional discharge after
 37 entry of judgment, and of the maximum total period of commitment or conditional discharge under
 38 ORS 161.327 (7).

39 (7) As used in this section, "certified evaluator" means a psychiatrist or psychologist who holds
 40 a valid certification under the provisions of ORS 161.392.

41 **SECTION 18.** ORS 161.346 is amended to read:

42 161.346. (1) When the Psychiatric Security Review Board conducts a hearing under ORS 161.315
 43 to 161.351, the board shall enter an order and make findings in support of the order. If the board
 44 finds that a person under the jurisdiction of the board:

45 (a) Is no longer affected by a qualifying mental disorder, or, if so affected, no longer presents

1 a substantial danger to others, the board shall order the person discharged from commitment and
2 conditional release.

3 (b) Is still affected by a qualifying mental disorder and is a substantial danger to others, but can
4 be controlled adequately if conditionally released with treatment as a condition of release, the board
5 shall order the person conditionally released as provided in ORS 161.336.

6 (c) Has not recovered from the qualifying mental disorder, is a substantial danger to others and
7 cannot adequately be controlled if conditionally released on supervision, the board shall order the
8 person committed to, or retained in, a state hospital, or if the person is under 18 years of age, a
9 secure intensive community inpatient facility, for care, custody and treatment.

10 (2) To assist the board in making the determination described in subsection (1) of this section,
11 the board may, at any time, appoint a psychiatrist or licensed psychologist to examine the person
12 and to submit a report to the board. The report must include an opinion as to the mental condition
13 of the person, whether the person presents a substantial danger to others and whether the person
14 could be adequately controlled with treatment as a condition of release.

15 (3) The board may make the determination regarding discharge or conditional release based
16 upon the written reports submitted pursuant to this section. If any member of the board desires
17 further information from the examining psychiatrist or licensed psychologist who submitted the re-
18 port, the board shall summon the person to give testimony. The board shall consider all evidence
19 available to it that is material, relevant and reliable regarding the issues before the board. The ev-
20 idence may include but is not limited to the record of trial, the information supplied by the attorney
21 representing the state or by any other interested party, including the person, and information con-
22 cerning the person's mental condition and the entire psychiatric and criminal history of the person.
23 All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their
24 serious affairs shall be admissible at hearings. Testimony shall be taken upon oath or affirmation
25 of the witness from whom received. The officer presiding at the hearing shall administer oaths or
26 affirmations to witnesses.

27 (4) The board shall furnish to the person about whom the hearing is being conducted, the at-
28 torney representing the person, the Attorney General and the district attorney of the county from
29 which the person was committed written notice of any hearing pending under this section within a
30 reasonable time prior to the hearing. The notice shall include:

31 (a) The time, place and location of the hearing.

32 (b) The nature of the hearing and the specific action for which a hearing has been requested,
33 the issues to be considered at the hearing and a reference to the particular sections of the statutes
34 and rules involved.

35 (c) A statement of the legal authority and jurisdiction under which the hearing is to be held.

36 (d) A statement of all rights under subsection (6) of this section.

37 (5) Prior to the commencement of the hearing, the board shall serve personally or by mail a
38 written notice to each party as provided in ORS 183.413 (2).

39 (6) At the hearing, the person about whom the hearing is being held shall have the right:

40 (a) To appear at all proceedings held pursuant to this section, except for deliberations.

41 (b) To cross-examine all witnesses appearing to testify at the hearing.

42 (c) To subpoena witnesses and documents as provided in ORS 161.395.

43 (d) To be represented by suitable legal counsel possessing skills and experience commensurate
44 with the nature and complexity of the case, to consult with counsel prior to the hearing and, if fi-
45 nancially eligible, to have suitable counsel appointed at state expense.

1 (e) To examine all information, documents and reports that the board considers. If then available
 2 to the board, the information, documents and reports shall be disclosed to the person so as to allow
 3 examination prior to the hearing.

4 (7) A record shall be kept of all hearings conducted under ORS 161.315 to 161.351, except for
 5 deliberations.

6 (8) Upon request of any party, or on motion of the board, the hearing may be continued for a
 7 reasonable period not to exceed 60 days to obtain additional information or testimony or for other
 8 good cause shown.

9 (9) Within 30 days following the conclusion of the hearing, the board shall provide to the person,
 10 the attorney representing the person, the Attorney General or other attorney representing the state,
 11 if any, written notice of the order entered by the board.

12 (10) The burden of proof on all issues at hearings under ORS 161.315 to 161.351 shall be by a
 13 preponderance of the evidence.

14 (11) If the board determines that the person about whom the hearing is being held is financially
 15 eligible, the board shall appoint suitable counsel to represent the person. Counsel so appointed shall
 16 be an attorney who satisfies the minimum standards established by the Oregon Public Defense
 17 Commission under ORS 151.216. The [*executive director of the commission*] **county** shall determine
 18 and allow fair compensation for counsel appointed under this subsection and the reasonable ex-
 19 penses of the person in respect to the hearing. Compensation payable to appointed counsel shall not
 20 be less than the applicable compensation level established under ORS 151.216. The compensation and
 21 expenses so allowed shall be paid by the [*executive director*] **county** from funds available for the
 22 purpose.

23 (12) The Attorney General may represent the state at contested hearings under ORS 161.315 to
 24 161.351 unless the district attorney of the county from which the person was committed elects to
 25 represent the state. The district attorney of the county from which the person was committed shall
 26 cooperate with the Attorney General in securing the material necessary for presenting a contested
 27 hearing. If the district attorney elects to represent the state, the district attorney shall give timely
 28 written notice of such election to the Attorney General, the board and the attorney representing the
 29 person.

30 **SECTION 19.** ORS 161.365 is amended to read:

31 161.365. (1)(a) When the court has reason to doubt the defendant's fitness to proceed by reason
 32 of incapacity as described in ORS 161.360, the court may call any witness to assist it in reaching
 33 its decision and, except as provided in paragraph (b) of this subsection, shall order that a community
 34 mental health program director, or the director's designee, consult with the defendant and with any
 35 local entity that would be responsible for providing community restoration services to the defendant
 36 if the defendant were to be released in the community, to determine whether appropriate community
 37 restoration services are present and available in the community. After the consultation, the program
 38 director or the director's designee shall provide to the court a copy of the findings resulting from
 39 the consultation.

40 (b) If the defendant is charged with one or more of the following offenses the court is not re-
 41 quired to, but may in its discretion, order the consultation described in paragraph (a) of this sub-
 42 section:

- 43 (A) Aggravated murder;
- 44 (B) Murder in any degree;
- 45 (C) Attempted aggravated murder;

- 1 (D) Attempted murder in any degree;
- 2 (E) Manslaughter in any degree;
- 3 (F) Aggravated vehicular homicide;
- 4 (G) Arson in the first degree when classified as crime category 10 of the sentencing guidelines
- 5 grid of the Oregon Criminal Justice Commission;
- 6 (H) Assault in the first degree;
- 7 (I) Assault in the second degree;
- 8 (J) Kidnapping in the first degree;
- 9 (K) Kidnapping in the second degree;
- 10 (L) Rape in the first degree;
- 11 (M) Sodomy in the first degree;
- 12 (N) Unlawful sexual penetration in the first degree;
- 13 (O) Robbery in the first degree; or
- 14 (P) Robbery in the second degree.

15 (c) If the court determines the assistance of a psychiatrist or psychologist would be helpful, the
 16 court may:

17 (A) Order that a psychiatric or psychological examination of the defendant be conducted by a
 18 certified evaluator and a report of the examination be prepared; or

19 (B) Order the defendant to be committed for the purpose of an examination to a state mental
 20 hospital or other facility designated by the Oregon Health Authority if the defendant is at least 18
 21 years of age, or to a secure intensive community inpatient facility designated by the authority if the
 22 defendant is under 18 years of age. The state mental hospital or other facility may retain custody
 23 of a defendant committed under this paragraph for the duration necessary to complete the exam-
 24 ination of the defendant, not to exceed 30 days. The examination may include a period of observa-
 25 tion.

26 (d) The court shall provide a copy of any order entered under this subsection to the community
 27 mental health program director or designee and to the state mental hospital or other facility by the
 28 end of the next judicial day.

29 (2)(a) A defendant committed under subsection (1)(c)(B) of this section shall be transported to
 30 the state mental hospital or other facility for the examination.

31 (b) At the conclusion of the examination, the superintendent of the state mental hospital or the
 32 superintendent's designee or the director of the facility may:

33 (A) Return the defendant to the facility from which the defendant was transported; or

34 (B) Inform the court and the parties that the defendant requires a hospital level of care due to
 35 the acuity of symptoms of the defendant's qualifying mental disorder and request that the defendant
 36 remain at the state mental hospital or other facility pending a hearing or order under ORS 161.370.

37 (3) The report of an examination described in this section must include, but is not necessarily
 38 limited to, the following:

39 (a) A description of the nature of the examination;

40 (b) A statement of the mental condition of the defendant;

41 (c) If the defendant suffers from a qualifying mental disorder, an opinion as to whether the de-
 42 fendant is incapacitated within the description set out in ORS 161.360; and

43 (d) If the defendant is incapacitated within the description set out in ORS 161.360, a recom-
 44 mendation of treatment and services necessary to allow the defendant to gain or regain capacity,
 45 including whether a hospital level of care is required due to the acuity of symptoms of the

1 defendant’s qualifying mental disorder.

2 (4) Except when the defendant and the court both request to the contrary, the report may not
 3 contain any findings or conclusions as to whether the defendant as a result of a qualifying mental
 4 disorder was subject to the provisions of ORS 161.295 or 161.300 at the time of the criminal act
 5 charged.

6 (5) If the examination by the certified evaluator cannot be conducted by reason of the unwill-
 7 ingness of the defendant to participate in the examination, the report must so state and must in-
 8 clude, if possible, an opinion as to whether the unwillingness of the defendant was the result of a
 9 qualifying mental disorder affecting fitness to proceed.

10 (6) The report resulting from the examination of a defendant under this section may be filed
 11 electronically and must be filed with the clerk of the court, who shall cause copies to be delivered
 12 to the district attorney and to counsel for defendant.

13 (7)(a) When upon motion of the court or a financially eligible defendant, the court has ordered
 14 a psychiatric or psychological examination of the defendant, a county or justice court shall order
 15 the county to pay, a municipal court shall order the city to pay, and a circuit court shall order the
 16 [*executive director of the Oregon Public Defense Commission*] **county** to pay from funds available for
 17 the purpose:

18 (A) A reasonable fee if the examination of the defendant is conducted by a certified evaluator
 19 in private practice; and

20 (B) All costs including transportation of the defendant if the examination is conducted by a
 21 certified evaluator in the employ of the Oregon Health Authority or a community mental health
 22 program established under ORS 430.610 to 430.670.

23 (b) When an examination is ordered at the request or with the acquiescence of a defendant who
 24 is determined not to be financially eligible, the examination shall be performed at the defendant’s
 25 expense. When an examination is ordered at the request of the prosecution, the county shall pay for
 26 the expense of the examination.

27 (8) The Oregon Health Authority shall establish by rule standards for the consultation described
 28 in subsection (1) of this section.

29 **SECTION 20.** ORS 181A.010 is amended to read:

30 181A.010. As used in ORS 181A.010 to 181A.350, unless the context requires otherwise:

31 (1) “Criminal justice agency” means:

32 (a) The Governor;

33 (b) Courts of criminal jurisdiction;

34 (c) The Attorney General;

35 (d) District attorneys, city attorneys with criminal prosecutorial functions[,] **and** attorney em-
 36 ployees of the Oregon Public Defense Commission [*and nonprofit public defender organizations es-*
 37 *tablished under contract with the commission*];

38 (e) Law enforcement agencies;

39 (f) The Department of Corrections;

40 (g) The Oregon Youth Authority;

41 (h) The State Board of Parole and Post-Prison Supervision;

42 (i) The Department of Public Safety Standards and Training;

43 (j) The enforcement division of the Oregon Liquor and Cannabis Commission in performing du-
 44 ties related to investigating and enforcing the criminal laws of this state that the commission is
 45 charged to enforce;

1 (k) Civilian or community oversight boards, agencies or review bodies designated by a munici-
 2 pality or a law enforcement agency in performing duties related to investigating allegations of offi-
 3 cer misconduct or reviewing police policies and practices;

4 (L) Regional information systems that share programs to track, identify and remove cross-
 5 jurisdictional criminal and terrorist conspiracies; and

6 (m) Any other state or local agency with law enforcement authority.

7 (2) "Criminal offender information" includes records and related data as to physical description
 8 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders
 9 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-
 10 ing sentencing, confinement, parole and release.

11 (3) "Department" means the Department of State Police established under ORS 181A.015.

12 (4) "Deputy superintendent" means the Deputy Superintendent of State Police appointed under
 13 ORS 181A.035.

14 (5) "Designated agency" means any state, county or municipal government agency where Oregon
 15 criminal offender information is required to implement a federal or state statute, executive order
 16 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-
 17 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or
 18 other demonstrated and legitimate needs when designated by order of the Governor.

19 (6) "Disposition report" means a form or process prescribed or furnished by the department,
 20 containing a description of the ultimate action taken subsequent to an arrest.

21 (7) "Law enforcement agency" means:

22 (a) County sheriffs, municipal police departments, police departments established by a university
 23 under ORS 352.121 or 353.125 and state police;

24 (b) Other police officers of this state or another state, including humane special agents as de-
 25 fined in ORS 181A.345;

26 (c) A tribal government as defined in ORS 181A.940 that employs authorized tribal police officers
 27 as defined in ORS 181A.940; and

28 (d) Law enforcement agencies of the federal government.

29 (8) "State police" means the sworn members of the state police force appointed under ORS
 30 181A.050.

31 (9) "Superintendent" means the Superintendent of State Police appointed under ORS 181A.030.

32 **SECTION 21.** ORS 419A.211 is amended to read:

33 419A.211. (1) If the child, ward, youth, adjudicated youth, parent or guardian is determined to
 34 be entitled to, and, except as provided in subsection (4) of this section, financially eligible for, ap-
 35 pointment of counsel at state expense in an appeal as provided in ORS 419A.200 and 419A.208, the
 36 court, upon request of the person or upon its own motion, shall appoint suitable counsel to represent
 37 the person. Counsel appointed by the court shall be paid compensation determined by the [*executive*
 38 *director of the Oregon Public Defense Commission*] **county** as provided in ORS 135.055 if the circuit
 39 court is the appellate court or **by the executive director of the Oregon Public Defense Com-**
 40 **mission** as provided in ORS 138.500 if the Court of Appeals or the Supreme Court is the appellate
 41 court. The court may not substitute one appointed counsel for another except pursuant to the poli-
 42 cies, procedures, standards and guidelines of the commission.

43 (2)(a) When the court appoints counsel to represent the child or ward, it may order the parent,
 44 if able, or guardian of the estate, if the estate is able, to pay to the Public Defense Services Account
 45 established by ORS 151.225, through the clerk of the court, in full or in part the administrative costs

1 of determining the ability of the parents or estate to pay for legal services and the costs of the legal
 2 and other services that are related to the provision of appointed counsel.

3 (b) The test of the parent’s or estate’s ability to pay costs under paragraph (a) of this subsection
 4 is the same test as applied to appointment of counsel for defendants under ORS 151.216. If counsel
 5 is provided at state expense, the court shall apply this test in accordance with the guidelines
 6 adopted by the Oregon Public Defense Commission under ORS 151.485.

7 (c) If counsel is provided at state expense, the court shall determine the amount the parents or
 8 estate is required to pay for the costs of administrative, legal and other services related to the
 9 provision of appointed counsel in the same manner as this amount is determined under ORS 151.487.

10 (d) The court’s order of payment is enforceable in the same manner as an order of support under
 11 ORS 419B.408.

12 (3) When the court appoints counsel under this section at state expense, the compensation for
 13 counsel and costs and expenses necessary to the appeal shall be determined and paid as provided
 14 in ORS 135.055 if the circuit court is the appellate court or as provided in ORS 138.500 if the Court
 15 of Appeals or the Supreme Court is the appellate court.

16 (4) Notwithstanding subsection (1) of this section, a youth or adjudicated youth, or the parent
 17 or guardian of the youth or adjudicated youth, is entitled to court-appointed counsel at state expense
 18 under this section regardless of the financial circumstances of the youth or adjudicated youth or the
 19 parent or guardian of the youth or adjudicated youth. In addition, the court may not order the
 20 youth’s or adjudicated youth’s parent or guardian to pay any part of the administrative costs of
 21 determining the entitlement of the youth, adjudicated youth, parent or guardian to court-appointed
 22 counsel at state expense nor any of the costs of the legal and other services that are related to the
 23 provision of appointed counsel.

24 **SECTION 22.** ORS 419A.252 is amended to read:

25 419A.252. As used in this section and ORS 419A.253, 419A.255 and 419A.256:

26 (1) “Person” means an individual, a public body as defined in ORS 174.109 or a tribe that is a
 27 party to a juvenile court proceeding pursuant to ORS 419B.875.

28 (2) “Prospective appellate attorney” means an attorney designated by the Oregon Public Defense
 29 Commission to potentially represent a child, ward, youth, adjudicated youth or a parent or guardian
 30 of a child, ward, youth or adjudicated youth, in a juvenile case when the case has been referred to
 31 the commission for appeal.

32 (3) “Public defense provider” means an attorney or a law firm designated by the [*Oregon Public*
 33 *Defense Commission*] **county** to potentially represent a child, ward, youth, adjudicated youth or the
 34 parent or guardian of a child, ward, youth or adjudicated youth in a juvenile court proceeding.

35 (4) “Record of the case” or “record of each case,” whether maintained in paper or electronic
 36 form, includes but is not limited to the following and includes records filed in juvenile court pro-
 37 ceedings commenced before January 1, 2014, when the records are substantially similar to the fol-
 38 lowing:

39 (a) The summons and other process;

40 (b) Petitions;

41 (c) Papers in the nature of pleadings, answers, motions, affidavits and other papers that are filed
 42 with the court, including supporting documentation;

43 (d) Local citizen review board findings and recommendations submitted under ORS 419A.118 or
 44 419B.367;

45 (e) Guardianship report summaries filed with the court under ORS 419B.367;

- 1 (f) Orders and judgments of the court, including supporting documentation;
- 2 (g) Transcripts under ORS 419A.256;
- 3 (h) Exhibits and materials offered as exhibits whether or not received in evidence; and
- 4 (i) Other documents that become part of the record of the case by operation of law.

5 (5) “Supplemental confidential file,” whether maintained in paper or electronic form, includes
 6 reports and other material relating to the child, ward, youth or adjudicated youth’s history and
 7 prognosis, including but not limited to reports filed under ORS 419B.440, and includes similar reports
 8 and other materials filed in juvenile court proceedings commenced before January 1, 2014, that:

- 9 (a) Are not or do not become part of the record of the case; and
- 10 (b) Are not offered or received as evidence in the case.

11 **SECTION 23.** ORS 419C.380, as amended by section 9, chapter 96, Oregon Laws 2024, is
 12 amended to read:

13 419C.380. (1) An evaluation ordered under ORS 419C.378 must be conducted by a psychiatrist,
 14 a licensed psychologist or a regulated social worker. If an evaluation is requested, the party at
 15 whose request the evaluation was ordered shall notify the court and other parties of the date, time
 16 and location of the evaluation and the name of the evaluator chosen by the party. A party or the
 17 court may submit written information to the evaluator for consideration. When written information
 18 that has not been provided to the court or an opposing party is submitted to the evaluator, the party
 19 submitting the written information to the evaluator shall provide the written information to the
 20 court and the opposing party.

21 (2)(a) A county court or justice court shall order the county to pay the fees and costs described
 22 in subsection (3) of this section from funds available for that purpose.

23 (b) A circuit court shall order the *[executive director of the Oregon Public Defense Commission]*
 24 **county** to pay the fees and costs described in subsection (3) of this section from funds available for
 25 that purpose.

26 (3) Pursuant to subsection (2) of this section, the county *[or the executive director of the Oregon*
 27 *Public Defense Commission]* shall pay:

28 (a) A reasonable fee to a psychiatrist, licensed psychologist or regulated social worker in private
 29 practice who conducts the evaluation; and

30 (b) All costs, including transportation of the youth, if the evaluation is conducted by a psychia-
 31 trist, licensed psychologist or regulated social worker employed by the Department of Human Ser-
 32 vices.

33 (4) If an evaluation is ordered under ORS 419C.378, the county shall pay for the expense of the
 34 evaluation.

35 (5) After a motion is made by the court or the youth under ORS 419C.378 (3), the state shall
 36 have the right to seek an independent evaluation at its own expense.

37 (6) A youth may not be removed from the youth’s current placement for the purpose of an
 38 evaluation performed under this section unless:

39 (a) The youth has been placed in a detention facility as defined in ORS 419A.004 or a youth
 40 correction facility as defined in ORS 420.005; and

41 (b) The removal is for less than 14 days.

42 **SECTION 24.** ORS 419C.535 is amended to read:

43 419C.535. (1) The juvenile panel of the Psychiatric Security Review Board shall appoint suitable
 44 counsel to represent a young person about whom a hearing under ORS 419C.532 is being held.
 45 Counsel appointed must be an attorney who satisfies the minimum standards established by the

1 Oregon Public Defense Commission under ORS 151.216. The [*executive director of the commission*]
2 **county** shall determine and allow fair compensation for counsel appointed under this subsection and
3 the reasonable expenses of the young person in respect to the hearing. Compensation payable to
4 appointed counsel may not be less than the applicable compensation level established under ORS
5 151.216. The [*executive director*] **county** shall pay compensation and expenses allowed from funds
6 available for that purpose.

7 (2) The juvenile panel may not order the young person, parent or guardian of the estate to pay
8 any part of the administrative costs of appointing counsel for the young person or to pay for the
9 costs of legal and other services that are related to the provision of appointed counsel.

10 (3) The Attorney General may represent the state at contested hearings before the juvenile
11 panel unless the district attorney of the county in which the young person was adjudicated elects
12 to represent the state. The district attorney of the county in which the young person was adjudi-
13 cated shall cooperate with the Attorney General in securing the material necessary for presenting
14 a contested hearing before the juvenile panel. If the district attorney elects to represent the state,
15 the district attorney shall give timely written notice to the Attorney General, the juvenile panel and
16 the attorney representing the young person.

17 **SECTION 25.** ORS 426.135 is amended to read:

18 426.135. If a person determined to be a person with mental illness as provided in ORS 426.130,
19 or determined to be an extremely dangerous person with mental illness under ORS 426.701 or
20 426.702, appeals the determination or the disposition, and is determined to be financially eligible for
21 appointed counsel at state expense, upon request of the person or upon its own motion, the court
22 shall appoint suitable legal counsel to represent the person. The compensation for legal counsel and
23 costs and expenses necessary to the appeal shall be determined and paid by the [*executive director*
24 *of the Oregon Public Defense Commission*] **county** as provided in ORS 135.055 if the circuit court is
25 the appellate court or **by the executive director of the Oregon Public Defense Commission** as
26 provided in ORS 138.500 if the Court of Appeals or Supreme Court is the appellate court. The com-
27 pensation, costs and expenses shall be paid as provided in ORS 138.500.

28 **SECTION 26.** ORS 426.250 is amended to read:

29 426.250. The following is a nonexclusive list of responsibilities for payment of various costs re-
30 lated to commitment proceedings under this chapter as described:

31 (1) Any physician or qualified professional recommended by the Oregon Health Authority who
32 is employed under ORS 426.110 to make an examination as to the mental condition of a person al-
33 leged to have a mental illness shall be allowed a fee as the court in its discretion determines rea-
34 sonable for the examination.

35 (2) Witnesses subpoenaed to give testimony shall receive the same fees as are paid in criminal
36 cases, and are subject to compulsory attendance in the same manner as provided in ORS 136.567 to
37 136.603. The attendance of out-of-state witnesses may be secured in the same manner as provided in
38 ORS 136.623 to 136.637. The party who subpoenas the witness or requests the court to subpoena the
39 witness is responsible for payment of the cost of the subpoena and payment for the attendance of
40 the witness at a hearing. When the witness has been subpoenaed on behalf of a person alleged to
41 have a mental illness who is represented by appointed counsel, the fees and costs allowed for that
42 witness shall be paid pursuant to ORS 135.055. If the costs of witnesses subpoenaed by the person
43 are paid as provided under this subsection, the procedure for subpoenaing witnesses shall comply
44 with ORS 136.570.

45 (3) If a person with a right to a counsel under ORS 426.100, 426.701 or 426.702 is determined to

1 be financially eligible for appointed counsel at state expense, the [*executive director of the Oregon*
 2 *Public Defense Commission*] **county** shall determine and pay, as provided in ORS 135.055, the rea-
 3 sonable expenses related to the representation of the person and compensation for legal counsel.
 4 The expenses and compensation so allowed shall be paid by the [*executive director*] **county** from
 5 funds available for the purpose.

6 (4) The authority shall pay the costs of expenses incurred under ORS 426.100 by the Attorney
 7 General's office. Any costs for district attorneys or other counsel appointed to assume responsibility
 8 for presenting the state's case shall be paid by the county where the commitment hearing is held,
 9 subject to reimbursement under ORS 426.310.

10 (5) All costs incurred in connection with a proceeding under ORS 426.180, 426.701 or 426.702,
 11 including the costs of transportation, commitment and delivery of the person, shall be paid by the
 12 community mental health program in the county of which the person is a resident. If the person is
 13 not a resident of this state, then the costs incurred in connection with the proceeding shall be paid
 14 by the community mental health program in the county from which the emergency admission was
 15 made.

16 (6) All costs incurred in connection with a proceeding under ORS 426.180 for the commitment
 17 of a person from a reservation, including the cost of transportation, commitment and delivery of the
 18 person, shall be paid by the governing body of the reservation of which the person is a resident.

19 **SECTION 27.** ORS 427.265 is amended to read:

20 427.265. (1) At the time that a person who is alleged to have an intellectual disability and to
 21 be in need of commitment for residential care, treatment and training is brought before the court,
 22 the court shall advise the person of the reason for being brought before the court, the nature of the
 23 proceedings and the possible results of the proceedings. The court shall also advise the person of
 24 the right to subpoena witnesses and to suitable legal counsel possessing skills and experience
 25 commensurate with the nature of the allegations and complexity of the case during the proceedings,
 26 and that if the person does not have funds with which to retain suitable legal counsel, the court
 27 shall appoint such legal counsel to represent the person. If the person does not request legal coun-
 28 sel, the legal guardian, relative or friend may request the assistance of legal counsel on behalf of
 29 the person.

30 (2) If no request for legal counsel is made, the court shall appoint suitable legal counsel.

31 (3) If the person is unable to afford legal counsel, the court, if the matter is before a county or
 32 justice court, or the [*executive director of the Oregon Public Defense Commission*] **county**, if the
 33 matter is before the circuit court, shall determine and allow, as provided in ORS 135.055, the rea-
 34 sonable expenses of the person and compensation for legal counsel. The expenses and compensation
 35 so allowed by a county court shall be paid by the county of residence of the person. The expenses
 36 and compensation determined by the [*executive director*] **county** shall be paid by the [*executive di-*
 37 *rector*] **county** from funds available for the purpose. In all cases legal counsel shall be present at
 38 the hearing and may examine all witnesses offering testimony, and otherwise represent the person.

39 (4) The court may, for good cause, postpone the hearing for not more than 72 hours to allow
 40 preparation for the hearing and order the continuation of detention authorized under ORS 427.255
 41 during a postponement, if requested by the person, the legal counsel, guardian of the person, an
 42 examiner or on the court's own motion.

43 **SECTION 28.** ORS 427.295 is amended to read:

44 427.295. If a person appeals a commitment order issued under ORS 427.290, the court, upon re-
 45 quest of the person or upon its own motion and upon finding that the person is financially eligible

1 for appointed counsel at state expense, shall appoint suitable legal counsel to represent the person.
 2 The compensation for legal counsel and costs and expenses necessary to the appeal shall be deter-
 3 mined and paid by the [*executive director of the Oregon Public Defense Commission*] **county** as pro-
 4 vided in ORS 135.055 if the circuit court is the appellate court or **by the executive director of the**
 5 **Oregon Public Defense Commission** as provided in ORS 138.500 if the Court of Appeals or Su-
 6 preme Court is the appellate court. The compensation, costs and expenses so allowed shall be paid
 7 as provided in ORS 138.500.

8 **SECTION 29.** ORS 433.466 is amended to read:

9 433.466. (1) A person or group of persons subject to isolation or quarantine or other public
 10 health measure pursuant to ORS 433.121 or 433.123 has the right to be represented by legal counsel
 11 if the person or group of persons so elects. If the person or group of persons requests legal counsel
 12 and cannot afford counsel, the court shall appoint legal counsel. If no request for legal counsel is
 13 made, the court must appoint legal counsel unless counsel is expressly, knowingly and intelligently
 14 refused by the person or the group of persons. The person or the group of persons may request legal
 15 counsel at any time during the period of imposition of the isolation, quarantine or other public
 16 health measure.

17 (2) If a person is unable to afford legal counsel, the [*executive director of the Oregon Public De-*
 18 *fense Commission*] **county** shall determine and pay, as provided in ORS 135.055, the reasonable ex-
 19 penses of the person and compensation for legal counsel appointed to represent the person.

20 **SECTION 30.** The amendments to ORS 34.355, 40.225, 125.080, 136.603, 138.590, 151.485,
 21 151.493, 161.309, 161.346, 161.365, 181A.010, 419A.211, 419A.252, 419C.380, 419C.535, 426.135,
 22 426.250, 427.265, 427.295 and 433.466 by sections 10 to 29 of this 2025 Act become operative on
 23 **January 1, 2026.**

24
 25 **CAPTIONS**

26
 27 **SECTION 31.** The unit captions used in this 2025 Act are provided only for the conven-
 28 ience of the reader and do not become part of the statutory law of this state or express any
 29 legislative intent in the enactment of this 2025 Act.

30
 31 **EFFECTIVE DATE**

32
 33 **SECTION 32.** This 2025 Act takes effect on the 91st day after the date on which the 2025
 34 regular session of the Eighty-third Legislative Assembly adjourns sine die.