

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2614

By COMMITTEE ON JUDICIARY

May 28

1 On page 1 of the printed A-engrossed bill, delete line 3 and insert “, 151.216 and 151.219 and  
2 sections 92 and 102, chapter 281, Oregon Laws 2023; and declaring an emergency.”.

3 Delete lines 5 through 18 and delete pages 2 through 16 and insert:

4 “**SECTION 1.** Section 102, chapter 281, Oregon Laws 2023, is amended to read:

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

7 “(b) The amendments to ORS 151.213 [*and 151.216*] by [*sections 100 and 101 of this 2023 Act*]  
8 **section 100, chapter 281, Oregon Laws 2023**, become operative on [*July 1, 2027*] **January 1,**  
9 **2026.**

10 “(c) **The amendments to ORS 151.216 by section 101, chapter 281, Oregon Laws 2023, be-**  
11 **come operative on July 1, 2033.**

12 “(2)(a) A person who is a member of the Oregon Public Defense Commission on [*July 1, 2027*]  
13 **January 1, 2026**, may finish the person’s term as a commission member and is eligible for reap-  
14 pointment, but, beginning [*July 1, 2027*] **January 1, 2026**, may be removed by the Governor only for  
15 **just cause or, if the Governor has removed three or more members of the commission within**  
16 **the 12-month period preceding the removal, only for** inefficiency, neglect of duty or malfeasance  
17 in office.

18 “(b) The person serving as executive director of the Oregon Public Defense Commission on [*July*  
19 *1, 2027*] **January 1, 2026**, may finish the person’s term as executive director and is eligible for re-  
20 appointment, but, beginning on [*July 1, 2027*] **January 1, 2026**, [*serves at the pleasure of the voting*  
21 *members of the commission*] **may be removed by the Governor only for just cause.**

22 “(3) The Oregon Public Defense Commission, the Oregon Department of Administrative Services  
23 and the Governor may take any action before the operative dates specified in subsection (1) of this  
24 section that is necessary to enable the commission to exercise, on and after the operative dates  
25 specified in subsection (1) of this section, all of the duties, functions and powers conferred on those  
26 entities by the amendments to ORS 151.211, 151.213, 151.216 and 151.219 by sections 93 to 95, 100  
27 and 101, [*of this 2023 Act*] **chapter 281, Oregon Laws 2023.**

28 “**SECTION 2.** ORS 151.213, as amended by section 77, chapter 281, Oregon Laws 2023, is  
29 amended to read:

30 “151.213. (1) The Oregon Public Defense Commission is established in the executive branch of  
31 state government. [*Except for the appointment or removal of commission members, the commission and*  
32 *employees of the commission are not subject to the exercise of administrative authority and supervision*  
33 *by the Governor.*]

34 “(2)(a) Nine voting members and four nonvoting members shall be appointed to the commission  
35 by the Governor as follows:

1       “(A) The Governor shall appoint:

2       “(i) One voting member who has been represented by a public defense provider.

3       “(ii) Two additional voting members, one of whom has experience as a public defense provider

4 in juvenile delinquency or dependency cases.

5       “(iii) Two nonvoting members who are currently employed as public defense providers in this

6 state, one of whom is from an urban area and one of whom is from a rural area.

7       “(B) The Governor shall appoint, from among persons recommended by the Chief Justice of the

8 Supreme Court:

9       “(i) One voting member who *[is a retired judge]* **previously served as a judge and who is not**

10 **currently engaged in judicial functions, including service as a senior judge under ORS 1.300**

11 **or in any similar capacity.**

12       “(ii) Two additional voting members, one of whom has experience as a public defense provider

13 in criminal cases.

14       “(C) The Governor shall appoint, from among persons recommended by the President of the

15 Senate:

16       “(i) One voting member who is a current dean or faculty member of an Oregon law school.

17       “(ii) One nonvoting member who is a member of the Senate at the time of appointment.

18       “(D) The Governor shall appoint, from among persons recommended by the Speaker of the House

19 of Representatives:

20       “(i) One voting member who has expertise in juvenile law and criminal defense, or who is a ju-

21 venile justice or criminal justice reform advocate.

22       “(ii) One nonvoting member who is a member of the House of Representatives at the time of

23 appointment.

24       “(E) The Governor shall appoint one voting member from among persons jointly recommended

25 by the President of the Senate and the Speaker of the House of Representatives.

26       “(b) When recommending and appointing members of the commission, the Governor, Chief Jus-

27 tice, President of the Senate and Speaker of the House of Representatives shall:

28       “(A) Consider input from individuals and organizations with an interest in the delivery of public

29 defense services.

30       “(B) Consider geographic, racial, ethnic and gender diversity.

31       “(C) Ensure that members appointed to the commission have significant experience with issues

32 related to public defense or in the case types subject to representation by public defense providers.

33       “(D) Ensure that members appointed to the commission have demonstrated a strong commitment

34 to quality public defense representation.

35       “(c) **Unless the person is a member of the Legislative Assembly appointed as a nonvoting**

36 **member of the commission under paragraph (a)(C)(ii) or (a)(D)(ii) of this subsection,** the fol-

37 lowing persons may not be appointed to and may not serve as members of the commission:

38       “(A) A prosecuting attorney.

39       “(B) A judge, magistrate or other person who performs judicial functions.

40       “(C) An employee of a law enforcement agency or the Department of Human Services.

41       “(d) A person who is primarily engaged in providing public defense services and who has a fi-

42 nancial interest in the delivery of public defense services at the state level may not serve as a

43 voting member of the commission.

44       “(e) As used in this subsection, ‘law enforcement agency’ means an entity that employs cor-

45 rections officers, parole and probation officers, police officers, certified reserve officers or reserve

1 officers, as those terms are defined in ORS 181A.355.

2 “(3) The term of a member is four years beginning on the effective date of the Governor’s ap-  
3 pointment, but members serve at the pleasure of the Governor. A member is eligible for reappoint-  
4 ment if qualified for membership at the time of reappointment, but may serve no more than two  
5 consecutive four-year terms. The Governor may remove any member of the commission at any time.  
6 If a vacancy occurs for any cause before the expiration of the term of a member, the Governor shall  
7 make an appointment to fill the vacancy, in the same manner as an appointment to a full term, to  
8 become immediately effective for the unexpired term.

9 “(4) A chairperson and a vice chairperson shall be elected by the voting members of the com-  
10 mission every two years with such functions as the commission may determine. A member is eligible  
11 for reelection as chairperson or vice chairperson.

12 “(5) A majority of the voting members constitutes a quorum for the transaction of business.

13 “(6)(a) All members of the commission shall:

14 “(A) Review the policies, procedures, standards and guidelines required by ORS 151.216 and  
15 provide input before the approval vote described in paragraph (b) of this subsection.

16 “(B) Review the **agency request** budget of the commission and provide input before the ap-  
17 proval vote described in paragraph (b) of this subsection.

18 “(C) Meet as needed to carry out the duties described in this subsection.

19 “(b) The voting members of the commission shall:

20 “(A) Approve by majority vote the policies, procedures, standards and guidelines required by  
21 ORS 151.216 before those policies, procedures, standards and guidelines may take effect.

22 “(B) Approve by majority vote the **agency request** budget of the commission before submission  
23 to the [Legislative Assembly] **Oregon Department of Administrative Services**.

24 “(7) The members of the commission may not:

25 “(a) Make any decision regarding the handling of any individual case;

26 “(b) Have access to any case file; or

27 “(c) Interfere with the executive director or any member of the staff of the executive director  
28 in carrying out professional duties involving the legal representation of public defense clients.

29 “(8) A member of the commission is entitled to compensation for services as a member, and to  
30 expenses, as provided in ORS 292.495.

31 “(9)(a) The Governor shall appoint an executive director of the commission, subject to confir-  
32 mation by the Senate in the manner prescribed by ORS 171.562 and 171.565. The person appointed  
33 as executive director must be well qualified by training and experience to perform the functions of  
34 the office.

35 “(b) The term of office of the executive director is four years, but the executive director serves  
36 at the pleasure of the Governor.

37 “(c) Before the expiration of the executive director’s term, the Governor shall appoint a suc-  
38 cessor to take office upon the date of the expiration. The executive director is eligible for reap-  
39 pointment. If there is a vacancy for any cause, the Governor shall make an appointment to become  
40 immediately effective for the unexpired term.

41 “**SECTION 3.** ORS 151.213, as amended by sections 77 and 100, chapter 281, Oregon Laws 2023,  
42 is amended to read:

43 “151.213. (1) The Oregon Public Defense Commission is established in the executive branch of  
44 state government. *[Except for the appointment or removal of commission members, the commission and*  
45 *employees of the commission are not subject to the exercise of administrative authority and supervision*

1 *by the Governor.]*

2 “(2)(a) Nine voting members and four nonvoting members shall be appointed to the commission  
3 by the Governor as follows:

4 “(A) The Governor shall appoint:

5 “(i) One voting member who has been represented by a public defense provider.

6 “(ii) Two additional voting members, one of whom has experience as a public defense provider  
7 in juvenile delinquency or dependency cases.

8 “(iii) Two nonvoting members who are currently employed as public defense providers in this  
9 state, one of whom is from an urban area and one of whom is from a rural area.

10 “(B) The Governor shall appoint, from among persons recommended by the Chief Justice of the  
11 Supreme Court:

12 “(i) One voting member who *[is a retired judge]* **previously served as a judge and who is not**  
13 **currently engaged in judicial functions, including service as a senior judge under ORS 1.300**  
14 **or in any similar capacity.**

15 “(ii) Two additional voting members, one of whom has experience as a public defense provider  
16 in criminal cases.

17 “(C) The Governor shall appoint, from among persons recommended by the President of the  
18 Senate:

19 “(i) One voting member who is a current dean or faculty member of an Oregon law school.

20 “(ii) One nonvoting member who is a member of the Senate at the time of appointment.

21 “(D) The Governor shall appoint, from among persons recommended by the Speaker of the House  
22 of Representatives:

23 “(i) One voting member who has expertise in juvenile law and criminal defense, or who is a ju-  
24 venile justice or criminal justice reform advocate.

25 “(ii) One nonvoting member who is a member of the House of Representatives at the time of  
26 appointment.

27 “(E) The Governor shall appoint one voting member from among persons jointly recommended  
28 by the President of the Senate and the Speaker of the House of Representatives.

29 “(b) When recommending and appointing members of the commission, the Governor, Chief Jus-  
30 tice, President of the Senate and Speaker of the House of Representatives shall:

31 “(A) Consider input from individuals and organizations with an interest in the delivery of public  
32 defense services.

33 “(B) Consider geographic, racial, ethnic and gender diversity.

34 “(C) Ensure that members appointed to the commission have significant experience with issues  
35 related to public defense or in the case types subject to representation by public defense providers.

36 “(D) Ensure that members appointed to the commission have demonstrated a strong commitment  
37 to quality public defense representation.

38 “(c) **Unless the person is a member of the Legislative Assembly appointed as a nonvoting**  
39 **member of the commission under paragraph (a)(C)(ii) or (a)(D)(ii) of this subsection,** the fol-  
40 lowing persons may not be appointed to and may not serve as members of the commission:

41 “(A) A prosecuting attorney.

42 “(B) A judge, magistrate or other person who performs judicial functions.

43 “(C) An employee of a law enforcement agency or the Department of Human Services.

44 “(d) A person who is primarily engaged in providing public defense services and who has a fi-  
45 nancial interest in the delivery of public defense services at the state level may not serve as a

1 voting member of the commission.

2 “(e) As used in this subsection, ‘law enforcement agency’ means an entity that employs cor-  
3 rections officers, parole and probation officers, police officers, certified reserve officers or reserve  
4 officers, as those terms are defined in ORS 181A.355.

5 “(3)(a) The term of a member is four years beginning on the effective date of the Governor’s  
6 appointment. A member is eligible for reappointment if qualified for membership at the time of re-  
7 appointment, but may serve no more than two consecutive four-year terms. The Governor may re-  
8 move any member of the commission at any time *[for inefficiency, neglect of duty or malfeasance in*  
9 *office]* **for just cause, subject to paragraph (b) of this subsection.** If a vacancy occurs for any  
10 cause before the expiration of the term of a member, the Governor shall make an appointment to fill  
11 the vacancy, in the same manner as an appointment to a full term, to become immediately effective  
12 for the unexpired term.

13 **“(b) In a given 12-month period, if the Governor has removed three members of the**  
14 **commission within the period, the Governor may only remove a fourth or subsequent mem-**  
15 **ber for inefficiency, neglect of duty or malfeasance in office.**

16 “(4) A chairperson and a vice chairperson shall be elected by the voting members of the com-  
17 mission every two years with such functions as the commission may determine. A member is eligible  
18 for reelection as chairperson or vice chairperson.

19 “(5) A majority of the voting members constitutes a quorum for the transaction of business.

20 “(6)(a) All members of the commission shall:

21 “(A) Review the policies, procedures, standards and guidelines required by ORS 151.216 and  
22 provide input before the approval vote described in paragraph (b) of this subsection.

23 “(B) Review the **agency request** budget of the commission and provide input before the ap-  
24 proval vote described in paragraph (b) of this subsection.

25 “(C) Meet as needed to carry out the duties described in this subsection.

26 “(b) The voting members of the commission shall:

27 “(A) Appoint an executive director of the commission **from among candidates submitted to**  
28 **the commission by the Governor under subsection (9) of this section.** *[The term of office of the*  
29 *executive director is four years, but the executive director serves at the pleasure of the voting members*  
30 *of the commission.]*

31 “(B) Approve by majority vote the policies, procedures, standards and guidelines required by  
32 ORS 151.216 before those policies, procedures, standards and guidelines may take effect.

33 “(C) Approve by majority vote the **agency request** budget of the commission before submission  
34 to the *[Legislative Assembly]* **Oregon Department of Administrative Services.**

35 “(7) The members of the commission may not:

36 “(a) Make any decision regarding the handling of any individual case;

37 “(b) Have access to any case file; or

38 “(c) Interfere with the executive director or any member of the staff of the executive director  
39 in carrying out professional duties involving the legal representation of public defense clients.

40 “(8) A member of the commission is entitled to compensation for services as a member, and to  
41 expenses, as provided in ORS 292.495.

42 **“(9)(a) Prior to the expiration of an executive director’s term, or if there is a vacancy in**  
43 **the office for any cause, the Governor shall submit the names of three candidates for exec-**  
44 **utive director to the commission. The candidates must be well qualified by training and ex-**  
45 **perience to perform the functions of the office.**

1       “(b) If the commission does not select an executive director within 60 days of the date  
2 the Governor submits candidate names as described in paragraph (a) of this subsection, the  
3 Governor shall appoint an executive director from among the candidates.

4       “(c) The term of office of the executive director is four years, but the Governor may  
5 remove the executive director at any time for just cause. If an executive director is ap-  
6 pointed to fill a vacancy in the office, the appointment is effective for the unexpired term.

7       “(d) The executive director is eligible for reappointment.

8       “**SECTION 3a.** Section 92, chapter 281, Oregon Laws 2023, is amended to read:

9       “**Sec. 92.** (1)(a) The Oregon Public Defense Commission is transferred from the judicial branch  
10 to the executive branch on January 1, 2025.

11       “(b) The amendments to ORS 8.105, 42.125, 84.064, 151.213, 151.216, 171.133, 190.490, 283.110,  
12 291.002, 291.030, 291.045, 291.227, 293.300, 293.590 and 293.875 by sections 77 to 91, [*of this 2023*  
13 *Act*] **chapter 281, Oregon Laws 2023**, become operative on January 1, 2025.

14       “(2) The Oregon Public Defense Commission, the Judicial Department, the Oregon Department  
15 of Administrative Services and the Governor may take any action before the operative date specified  
16 in subsection (1) of this section that is necessary to:

17       “(a) Facilitate the transfer of the commission to the executive branch.

18       “(b) Enable those entities to exercise, on and after the operative date specified in subsection (1)  
19 of this section, all of the duties, functions and powers conferred on those entities by the amendments  
20 to ORS 8.105, 42.125, 84.064, 151.213, 151.216, 171.133, 190.490, 283.110, 291.002, 291.030, 291.045,  
21 291.227, 293.300, 293.590 and 293.875 by sections 77 to 91, [*of this 2023 Act*] **chapter 281, Oregon**  
22 **Laws 2023**.

23       “(3)(a) A person who is a member of the Oregon Public Defense Commission on January 1, 2025,  
24 may finish the person’s term as a commission member and is eligible for reappointment if the person  
25 meets the requirements described in ORS 151.213 (2), but, beginning on January 1, 2025, and con-  
26 tinuing until [*July 1, 2027*] **January 1, 2026**, serves at the pleasure of the Governor.

27       “(b) The person serving as executive director of the Oregon Public Defense Commission on  
28 January 1, 2025, may finish the person’s term as executive director and is eligible for reappointment,  
29 but, beginning on January 1, 2025, and continuing until [*July 1, 2027*] **January 1, 2026**, serves at the  
30 pleasure of the Governor.

31       “**SECTION 4.** ORS 151.216, as amended by section 78, chapter 281, Oregon Laws 2023, is  
32 amended to read:

33       “151.216. (1) The Oregon Public Defense Commission shall:

34       “(a) Establish and maintain a public defense system that ensures the provision of public defense  
35 services consistent with the Oregon Constitution, the United States Constitution and Oregon and  
36 national standards of justice.

37       “(b) Adopt policies for public defense providers that:

38       “(A) Ensure compensation, resources and caseloads are in accordance with [*national and re-*  
39 *gional best practices*] **the requirements of the Oregon and United States Constitutions**;

40       “[(B) *Ensure all public defense provider contracts provide for compensation that is commensurate*  
41 *with the character of service performed;*]

42       “[(C)] **(B)** Ensure funding and resources to support required data collection and training re-  
43 quirements; and

44       “[(D)] **(C)** Recognize the need to consider overhead costs that account for the cost of living and  
45 business cost differences in each county or jurisdiction, including but not limited to rent, profes-

1 sional membership dues, malpractice insurance and other insurance and other reasonable and usual  
2 operating costs.

3 “(c) Establish operational and contracting systems that allow for oversight, ensure transparency  
4 and stakeholder engagement and promote equity, inclusion and culturally specific representation.

5 “(d) Review the caseload policies described in paragraph (b)(A) of this subsection annually, and  
6 revise the policies as necessary and at least every four years.

7 “(e) Adopt a statewide workload plan, based on the caseload policies described in paragraph  
8 (b)(A) of this subsection, that takes into account the needs of each county or jurisdiction, practice  
9 structure and type of practice overseen by the commission.

10 “(f) Submit [*the budget of the commission to the Legislative Assembly after the budget is submitted*  
11 *to the commission by the executive director and approved by the voting members of the commission.*  
12 *The chairperson of the commission shall present the budget to the Legislative Assembly]* **an agency**  
13 **request budget to the Oregon Department of Administrative Services as described in ORS**  
14 **291.208.**

15 “(g) Adopt a compensation plan, classification system and affirmative action plan for the com-  
16 mission that are commensurate with other state agencies.

17 “(h) Adopt policies, procedures, standards and guidelines regarding:

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

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

22 “(C) The fair compensation of counsel appointed to represent a person financially eligible for  
23 appointed counsel at state expense;

24 “(D) Appointed counsel compensation disputes;

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

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

28 “(i) Reimburse the State Court Administrator from funds deposited in the Public Defense Ser-  
29 vices Account established by ORS 151.225 for the costs of personnel and other costs associated with  
30 location of eligibility verification and screening personnel pursuant to ORS 151.489 by the State  
31 Court Administrator.

32 “(j) Develop, adopt and oversee the implementation, enforcement and modification of policies,  
33 procedures, minimum standards and guidelines to ensure that public defense providers are providing  
34 effective assistance of counsel consistently to all eligible persons in this state as required by statute  
35 and the Oregon and United States Constitutions. The policies, procedures, standards and guidelines  
36 described in this paragraph apply to employees of the commission and to any person or entity that  
37 contracts with the commission to provide public defense services in this state.

38 “(k) Set minimum standards by which 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 into contracts and hire attorneys to bring the delivery of public defense services into  
42 and maintain compliance with the minimum policies, procedures, standards and guidelines described  
43 in this subsection. All contracts for the provision of public defense services to which the commission  
44 is a party must include a requirement for collection by the commission of data determined by the  
45 commission to be qualitatively necessary for any report required to be submitted to the Legislative

1 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) Develop standard operating expectations for persons and entities providing public defense  
7 services.

8 “(p) In consultation with the Judicial Department, ensure the existence of policies that create  
9 a 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 Adminis-  
14 trative Services for the purpose of supporting state public defense population forecasts and other  
15 related 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 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 shall establish continuing legal education requirements for public defense  
32 providers who are employed by or contract with the commission that are specific to the subject  
33 matter area and practice of each type of court-appointed counsel.

34 “(f) The commission and public defense providers shall systematically review appointed counsel  
35 for efficiency and for effective representation according to commission standards.

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

40 “(4) The commission shall hire attorneys to serve as appointed counsel, including at the trial  
41 level in Oregon circuit courts, and may establish a trial division within the commission consisting  
42 of attorneys employed by the commission who are trial-level public defense providers.

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

45 “(6) Policies, procedures, standards and guidelines adopted by the commission supersede any



1 conflicting rules, policies or procedures of the Public Defender Committee, State Court Administra-  
2 tor, circuit courts, the Court of Appeals, the Supreme Court and the Psychiatric Security Review  
3 Board related to the exercise of the commission's administrative responsibilities under this section  
4 and transferred duties, functions and powers as they occur.

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

10 “[8] *With the approval of a majority of the voting members of the commission, the commission may*  
11 *advocate for or against legislation before the Legislative Assembly or policies or budgets being con-*  
12 *sidered by the Legislative Assembly.]*

13 “[9] (8) The commission shall request that the Governor include in the Governor's requested  
14 budget, for each fiscal period, at a minimum, the amount of funds identified by the commission as  
15 being necessary to carry out the duties and activities of the commission.

16 “[10] (9) The commission may adopt rules pursuant to ORS chapter 183.

17 “**SECTION 5.** ORS 151.216, as amended by sections 78 and 94, chapter 281, Oregon Laws 2023,  
18 is amended to read:

19 “151.216. (1) The Oregon Public Defense Commission shall:

20 “(a) Establish and maintain a public defense system that ensures the provision of public defense  
21 services consistent with the Oregon Constitution, the United States Constitution and Oregon and  
22 national standards of justice.

23 “(b) Adopt policies for public defense providers that:

24 “(A) Ensure compensation, resources and caseloads are in accordance with *[national and re-*  
25 *gional best practices]* **the requirements of the Oregon and United States Constitutions;**

26 “[B] *Ensure all public defense provider contracts provide for compensation that is commensurate*  
27 *with the character of service performed;]*

28 “[C] (B) Ensure funding and resources to support required data collection and training re-  
29 quirements; and

30 “[D] (C) Recognize the need to consider overhead costs that account for the cost of living and  
31 business cost differences in each county or jurisdiction, including but not limited to rent, profes-  
32 sional membership dues, malpractice insurance and other insurance and other reasonable and usual  
33 operating costs.

34 “(c) Establish operational and contracting systems that allow for oversight, ensure transparency  
35 and stakeholder engagement and promote equity, inclusion and culturally specific representation.

36 “(d) Review the caseload policies described in paragraph (b)(A) of this subsection annually, and  
37 revise the policies as necessary and at least every four years.

38 “(e) Adopt a statewide workload plan, based on the caseload policies described in paragraph  
39 (b)(A) of this subsection, that takes into account the needs of each county or jurisdiction, practice  
40 structure and type of practice overseen by the commission.

41 “(f) Submit *[the budget of the commission to the Legislative Assembly after the budget is submitted*  
42 *to the commission by the executive director and approved by the voting members of the commission.*  
43 *The chairperson of the commission shall present the budget to the Legislative Assembly]* **an agency**  
44 **request budget to the Oregon Department of Administrative Services as described in ORS**  
45 **291.208.**

1 “(g) Adopt a compensation plan, classification system and affirmative action plan for the com-  
2 mission that are commensurate with other state agencies.

3 “(h) Adopt policies, procedures, standards and guidelines regarding:

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

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

8 “(C) The fair compensation of counsel appointed to represent a person financially eligible for  
9 appointed counsel at state expense;

10 “(D) Appointed counsel compensation disputes;

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

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

14 “(i) Reimburse the State Court Administrator from funds deposited in the Public Defense Ser-  
15 vices Account established by ORS 151.225 for the costs of personnel and other costs associated with  
16 location of eligibility verification and screening personnel pursuant to ORS 151.489 by the State  
17 Court Administrator.

18 “(j) Develop, adopt and oversee the implementation, enforcement and modification of policies,  
19 procedures, minimum standards and guidelines to ensure that public defense providers are providing  
20 effective assistance of counsel consistently to all eligible persons in this state as required by statute  
21 and the Oregon and United States Constitutions. The policies, procedures, standards and guidelines  
22 described in this paragraph apply to employees of the commission and to any person or entity that  
23 contracts with the commission to provide public defense services in this state.

24 “(k) Set minimum standards by which appointed counsel are trained and supervised.

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

27 “(m) Enter into contracts and hire attorneys to bring the delivery of public defense services into  
28 and maintain compliance with the minimum policies, procedures, standards and guidelines described  
29 in this subsection. All contracts for the provision of public defense services to which the commission  
30 is a party must include a requirement for collection by the commission of data determined by the  
31 commission to be qualitatively necessary for any report required to be submitted to the Legislative  
32 Assembly.

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

37 “(o) Develop standard operating expectations for persons and entities providing public defense  
38 services.

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

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

44 “(r) Enter into contracts or interagency agreements with the Oregon Department of Adminis-  
45 trative Services for the purpose of supporting state public defense population forecasts and other

1 related forecasts.

2 “(s) Establish any other policies, procedures, standards and guidelines for the conduct of the  
3 commission’s affairs and promulgate policies necessary to carry out all powers and duties of the  
4 commission.

5 “(2) When establishing the minimum policies, procedures, standards and guidelines described in  
6 this section, the commission shall adhere to the following principles:

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

9 “(b) The workload of appointed counsel must be controlled to permit effective representation.  
10 Economic disincentives or incentives that impair the ability of appointed counsel to provide effective  
11 assistance of counsel must be avoided. The commission may develop workload controls to enhance  
12 appointed counsel’s ability to provide effective representation.

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

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

17 “(e) The commission shall establish continuing legal education requirements for public defense  
18 providers who are employed by or contract with the commission that are specific to the subject  
19 matter area and practice of each type of court-appointed counsel.

20 “(f) The commission and public defense providers shall systematically review appointed counsel  
21 for efficiency and for effective representation according to commission standards.

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

26 “(4) The commission shall hire attorneys to serve as appointed counsel, including at the trial  
27 level in Oregon circuit courts, and shall establish a trial division within the commission consisting  
28 of attorneys employed by the commission who are trial-level public defense providers.

29 “(5)(a) The commission shall establish, supervise and maintain a panel of qualified counsel who  
30 contract with the commission and are directly assigned to cases. The commission shall develop a  
31 process for certification of attorneys to the panel with periodic eligibility and case review. Panel  
32 attorneys are not employees of the commission.

33 “(b) The payment of panel counsel:

34 “(A) May not be lower than the hourly rate established by the commission.

35 “(B) Shall be adjusted to reflect the same percentage amount of any positive cost of living ad-  
36 justment granted to employees in the management service in other executive branch agencies.

37 “(C) May not provide a financial conflict of interest or economic incentives or disincentives that  
38 impair an attorney’s ability to provide effective representation.

39 “(6)(a) The commission may enter into contracts for the provision of public defense services with  
40 nonprofit public defense organizations **and private law firms**.

41 “(b) The commission may enter into contracts with entities that subcontract with other entities  
42 or persons for the provision of public defense services.

43 “(c) The commission may not enter into a contract or agreement that pays appointed counsel a  
44 flat fee per case.

45 “(7) The policies, procedures, standards and guidelines adopted by the commission must be made

1 available in an accessible manner to the public on the commission's website.

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

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

12 “[*(10) With the approval of a majority of the voting members of the commission, the commission*  
13 *may advocate for or against legislation before the Legislative Assembly or policies or budgets being*  
14 *considered by the Legislative Assembly.*]

15 “[*(11)*] (10) The commission shall request that the Governor include in the Governor's requested  
16 budget, for each fiscal period, at a minimum, the amount of funds identified by the commission as  
17 being necessary to carry out the duties and activities of the commission.

18 “[*(12)*] (11) The commission may adopt rules pursuant to ORS chapter 183.

19 “**SECTION 6.** ORS 151.216, as amended by sections 78, 94 and 101, chapter 281, Oregon Laws  
20 2023, is amended to read:

21 “151.216. (1) The Oregon Public Defense Commission shall:

22 “(a) Establish and maintain a public defense system that ensures the provision of public defense  
23 services consistent with the Oregon Constitution, the United States Constitution and Oregon and  
24 national standards of justice.

25 “(b) Adopt policies for public defense providers that:

26 “(A) Ensure compensation, resources and caseloads are in accordance with [*national and re-*  
27 *gional best practices*] **the requirements of the Oregon and United States Constitutions**;

28 “[*(B) Ensure all public defense provider contracts provide for compensation that is commensurate*  
29 *with the character of service performed;*]

30 “[*(C)*] (B) Ensure funding and resources to support required data collection and training re-  
31 quirements; and

32 “[*(D)*] (C) Recognize the need to consider overhead costs that account for the cost of living and  
33 business cost differences in each county or jurisdiction, including but not limited to rent, profes-  
34 sional membership dues, malpractice insurance and other insurance and other reasonable and usual  
35 operating costs.

36 “(c) Establish operational and contracting systems that allow for oversight, ensure transparency  
37 and stakeholder engagement and promote equity, inclusion and culturally specific representation.

38 “(d) Review the caseload policies described in paragraph (b)(A) of this subsection annually, and  
39 revise the policies as necessary and at least every four years.

40 “(e) Adopt a statewide workload plan, based on the caseload policies described in paragraph  
41 (b)(A) of this subsection, that takes into account the needs of each county or jurisdiction, practice  
42 structure and type of practice overseen by the commission.

43 “(f) Submit [*the budget of the commission to the Legislative Assembly after the budget is submitted*  
44 *to the commission by the executive director and approved by the voting members of the commission.*  
45 *The chairperson of the commission shall present the budget to the Legislative Assembly*] **an agency**

1 **request budget to the Oregon Department of Administrative Services as described in ORS**  
2 **291.208.**

3 “(g) Adopt a compensation plan, classification system and affirmative action plan for the com-  
4 mission that are commensurate with other state agencies.

5 “(h) Adopt policies, procedures, standards and guidelines regarding:

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

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

10 “(C) The fair compensation of counsel appointed to represent a person financially eligible for  
11 appointed counsel at state expense;

12 “(D) Appointed counsel compensation disputes;

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

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

16 “(i) Reimburse the State Court Administrator from funds deposited in the Public Defense Ser-  
17 vices Account established by ORS 151.225 for the costs of personnel and other costs associated with  
18 location of eligibility verification and screening personnel pursuant to ORS 151.489 by the State  
19 Court Administrator.

20 “(j) Develop, adopt and oversee the implementation, enforcement and modification of policies,  
21 procedures, minimum standards and guidelines to ensure that public defense providers are providing  
22 effective assistance of counsel consistently to all eligible persons in this state as required by statute  
23 and the Oregon and United States Constitutions. The policies, procedures, standards and guidelines  
24 described in this paragraph apply to employees of the commission and to any person or entity that  
25 contracts with the commission to provide public defense services in this state.

26 “(k) Set minimum standards by which appointed counsel are trained and supervised.

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

29 “(m) Enter into contracts and hire attorneys to bring the delivery of public defense services into  
30 and maintain compliance with the minimum policies, procedures, standards and guidelines described  
31 in this subsection. All contracts for the provision of public defense services to which the commission  
32 is a party must include a requirement for collection by the commission of data determined by the  
33 commission to be qualitatively necessary for any report required to be submitted to the Legislative  
34 Assembly.

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

39 “(o) Develop standard operating expectations for persons and entities providing public defense  
40 services.

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

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

1 “(r) Enter into contracts or interagency agreements with the Oregon Department of Adminis-  
2 trative Services for the purpose of supporting state public defense population forecasts and other  
3 related forecasts.

4 “(s) Establish any other policies, procedures, standards and guidelines for the conduct of the  
5 commission’s affairs and promulgate policies necessary to carry out all powers and duties of the  
6 commission.

7 “(2) When establishing the minimum policies, procedures, standards and guidelines described in  
8 this section, the commission shall adhere to the following principles:

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

11 “(b) The workload of appointed counsel must be controlled to permit effective representation.  
12 Economic disincentives or incentives that impair the ability of appointed counsel to provide effective  
13 assistance of counsel must be avoided. The commission may develop workload controls to enhance  
14 appointed counsel’s ability to provide effective representation.

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

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

19 “(e) The commission shall establish continuing legal education requirements for public defense  
20 providers who are employed by or contract with the commission that are specific to the subject  
21 matter area and practice of each type of court-appointed counsel.

22 “(f) The commission and public defense providers shall systematically review appointed counsel  
23 for efficiency and for effective representation according to commission standards.

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

28 “(4) The commission shall hire attorneys to serve as appointed counsel, including at the trial  
29 level in Oregon circuit courts, and shall establish a trial division within the commission consisting  
30 of attorneys employed by the commission who are trial-level public defense providers.

31 “(5)(a) The commission shall establish, supervise and maintain a panel of qualified counsel who  
32 contract with the commission and are directly assigned to cases. The commission shall develop a  
33 process for certification of attorneys to the panel with periodic eligibility and case review. Panel  
34 attorneys are not employees of the commission.

35 “(b) The payment of panel counsel:

36 “(A) May not be lower than the hourly rate established by the commission.

37 “(B) Shall be adjusted to reflect the same percentage amount of any positive cost of living ad-  
38 justment granted to employees in the management service in other executive branch agencies.

39 “(C) May not provide a financial conflict of interest or economic incentives or disincentives that  
40 impair an attorney’s ability to provide effective representation.

41 “(6)(a) The commission may enter into contracts for the provision of public defense services with  
42 nonprofit public defense organizations **and private law firms**.

43 “(b) The commission may not enter into a contract or agreement that pays appointed counsel a  
44 flat fee per case.

45 “(7) The policies, procedures, standards and guidelines adopted by the commission must be made

1 available in an accessible manner to the public on the commission's website.

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

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

12 “[*(10) With the approval of a majority of the voting members of the commission, the commission*  
13 *may advocate for or against legislation before the Legislative Assembly or policies or budgets being*  
14 *considered by the Legislative Assembly.*]

15 “[*(11)*] (10) The commission shall request that the Governor include in the Governor's requested  
16 budget, for each fiscal period, at a minimum, the amount of funds identified by the commission as  
17 being necessary to carry out the duties and activities of the commission.

18 “[*(12)*] (11) The commission may adopt rules pursuant to ORS chapter 183.

19 “**SECTION 7.** ORS 151.219 is amended to read:

20 “151.219. (1) The executive director of the Oregon Public Defense Commission shall:

21 “(a) Designate a deputy director of the commission who serves at the pleasure of the executive  
22 director.

23 “(b) Hire necessary staff for the commission.

24 “(c) Recommend to the commission how to establish and maintain, in a cost-effective manner,  
25 the delivery of legal services to persons entitled to, and, where applicable, financially eligible for,  
26 appointed counsel at state expense under Oregon statutes, the Oregon Constitution, the United  
27 States Constitution and consistent with Oregon and national standards of justice.

28 “(d) Implement and ensure compliance with contracts, policies, procedures, standards and  
29 guidelines adopted by the commission or required by statute.

30 “(e) Prepare and submit to the commission for its approval the biennial budget of the commis-  
31 sion.

32 “(f) Negotiate contracts, as appropriate, for providing legal services to persons eligible for ap-  
33 pointed counsel at state expense.

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

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

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

39 “(j) Pay the expenses of the commission.

40 “(k) Prepare and submit to the members of the commission an annual report of the activities of  
41 the commission.

42 “(L) Provide for legal representation, advice and consultation for the commission, its members,  
43 the executive director and staff of the commission who require such services or who are named as  
44 defendants in lawsuits arising from their duties, functions and responsibilities. If requested by the  
45 executive director, the Attorney General may also provide for legal representation, advice and

1 consultation for the commission, its members, the executive director and staff of the commission in  
2 litigation.

3 **“(m) Maintain an accurate and current list of all attorneys providing public defense ser-**  
4 **vices in this state under the supervision, employment or contractual authority of the com-**  
5 **mission, and the qualifications for each attorney.**

6 “(2) The executive director may:

7 “(a) Designate persons as representatives of the executive director for the purposes of deter-  
8 mining and paying bills submitted to the commission and determining preauthorization for incurring  
9 fees and expenses under ORS 135.055.

10 “(b) Establish an external advisory group to assist in developing the standard operating expect-  
11 tations for persons and entities providing public defense services.

12 **“SECTION 8.** ORS 151.219, as amended by section 95, chapter 281, Oregon Laws 2023, is  
13 amended to read:

14 “151.219. (1) The executive director of the Oregon Public Defense Commission shall:

15 “(a) Designate a deputy director of the commission who serves at the pleasure of the executive  
16 director.

17 “(b) Hire necessary staff for the commission.

18 “(c) Recommend to the commission how to establish and maintain, in a cost-effective manner,  
19 the delivery of legal services to persons entitled to, and, where applicable, financially eligible for,  
20 appointed counsel at state expense under Oregon statutes, the Oregon Constitution, the United  
21 States Constitution and consistent with Oregon and national standards of justice.

22 “(d) Implement and ensure compliance with contracts, policies, procedures, standards and  
23 guidelines adopted by the commission or required by statute.

24 “(e) Prepare and submit to the commission for its approval the biennial budget of the commis-  
25 sion.

26 “(f) Negotiate contracts, as appropriate, for providing legal services to persons eligible for ap-  
27 pointed counsel at state expense in accordance with ORS 151.216 (5) and (6).

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

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

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

33 “(j) Pay the expenses of the commission.

34 “(k) Prepare and submit to the members of the commission an annual report of the activities of  
35 the commission.

36 “(L) Provide for legal representation, advice and consultation for the commission, its members,  
37 the executive director and staff of the commission who require such services or who are named as  
38 defendants in lawsuits arising from their duties, functions and responsibilities. If requested by the  
39 executive director, the Attorney General may also provide for legal representation, advice and  
40 consultation for the commission, its members, the executive director and staff of the commission in  
41 litigation.

42 **“(m) Maintain an accurate and current list of all attorneys providing public defense ser-**  
43 **vices in this state under the supervision, employment or contractual authority of the com-**  
44 **mission, and the qualifications for each attorney.**

45 “(2) The executive director may:



1 “(a) Designate persons as representatives of the executive director for the purposes of deter-  
2 mining and paying bills submitted to the commission and determining preauthorization for incurring  
3 fees and expenses under ORS 135.055.

4 “(b) Establish an external advisory group to assist in developing the standard operating expect-  
5 tations for persons and entities providing public defense services.

6 **“SECTION 9. Section 10 of this 2025 Act is added to and made a part of ORS 151.211 to**  
7 **151.221.**

8 **“SECTION 10. (1) The Oregon Public Defense Commission may enter into a contract with**  
9 **an entity that subcontracts with other entities or persons for the provision of public defense**  
10 **services only if the entity operates in accordance with standards and requirements estab-**  
11 **lished by the commission either through adopted policies or contract language approved by**  
12 **the Department of Justice.**

13 **“(2) The standards and requirements described in subsection (1) of this section must in-**  
14 **clude, but are not limited to:**

15 **“(a) A requirement that the entity have a designated administrator with authority to**  
16 **manage case distribution, address concerns and complaints and serve as the point contact**  
17 **for external matters;**

18 **“(b) A requirement that the entity have defined policies concerning membership struc-**  
19 **ture, including policies on admission criteria, participation expectations and decision-making**  
20 **authority;**

21 **“(c) A requirement that the entity have internal policies and procedures for conflict re-**  
22 **solution, ethical compliance and the removal of members due to misconduct or nonpartic-**  
23 **ipation;**

24 **“(d) A requirement that the entity comply with commission oversight, reporting re-**  
25 **quirements and other applicable policies and procedures of the commission; and**

26 **“(e) A requirement that the entity hold regular meetings among its members or gov-**  
27 **erning body, as appropriate for its size and structure.**

28 **“(3) The standards and requirements described in subsection (1) of this section for an**  
29 **entity with five or more attorney members must additionally include a requirement that the**  
30 **entity have a board of directors or a steering committee with responsibilities that include**  
31 **but are not limited to the following:**

32 **“(a) The approval of entity policies, budgets and initiatives;**

33 **“(b) Ensuring attorney performance and compliance with legal and financial obligations;**

34 **“(c) Oversight of the administrator; and**

35 **“(d) Resolving disputes among members of the entity.**

36 **“SECTION 11. Section 10 of this 2025 Act becomes operative on July 1, 2027.**

37 **“SECTION 12. Section 10 of this 2025 Act is repealed on July 1, 2033.**

38 **“SECTION 13. This 2025 Act being necessary for the immediate preservation of the public**  
39 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**  
40 **on its passage.”.**