

HB 4043 -2, -3 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/4, 2/11, 2/16

WHAT THE MEASURE DOES:

The measure allows the State Treasurer to issue Article XI-Q bonds for certain courthouse construction projects if they meet statutory requirements, including determinations by the Chief Justice of the Supreme Court and approval by the Oregon Department of Administrative Services.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 The amendment adds language changing the requirement that a community restoration services provider "immediately" notify the court when a defendant undergoing restoration of mental capacity in the community is not complying with or absent from community restoration services treatment to require that the CMHP notify the court of the noncompliance within two judicial days and allowing the CMHP to delegate that duty to the services provider.

Fiscal Impact: Fiscal impact statement issued

Revenue Impact: Revenue impact statement issued for the purpose of moving the bill to the Joint Committee on Ways and Means

-3 The amendment adds a requirement that all "trial attorneys," as defined, provide at least 120 hours of public defense services before December 31, 2029, and requires the Oregon Public Defense Commission to train those trial attorneys. The amendment sunsets its provisions on January 2, 2030.

BACKGROUND:

The State of Oregon can issue bonds under Article XI-Q of the [Oregon Constitution](#) for real or personal property owned or operated by the state. ORS 1.181 describes under what circumstances such bonds may be issued for courthouse projects. ORS 1.184 establishes the Oregon Courthouse Capital Construction and Improvement Fund in the Oregon State Treasury and appropriates moneys therein for specific purposes, including those in ORS 1.181. ORS 1.183 places requirements on the funding structure for courthouse construction. Counties are required to provide suitable and sufficient courtrooms, offices, and jury rooms, and to maintain those facilities, under ORS 1.185.

When a person is charged with a crime but lacks the mental capacity necessary to meaningfully participate in their trial, Oregon courts may find that the person "lacks fitness to proceed" under ORS 161.370. The court then engages in a process to try to provide services to the defendant with the goal of restoring their fitness to proceed. [House Bill 2005 \(2025\)](#) (enacted in [chapter 559, Oregon Laws 2025](#)) significantly modified this process, partly by establishing time limits and review hearings for defendants getting their restoration services in the community (often called "community restoration"). Under Section 45, chapter 559, Oregon Laws 2025, a community restoration services provider for criminal defendants undergoing restoration of fitness to proceed in the community must notify the court "immediately" if the defendant is not compliant with or absent from community restoration treatment services.