

Enrolled
House Bill 4043

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Representative Jason Kropf)

CHAPTER

AN ACT

Relating to courts; amending ORS 1.181, 1.183 and 1.184 and section 45, chapter 559, Oregon Laws 2025.

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

SECTION 1. ORS 1.181 is amended to read:

1.181. (1) Out of the amount specified in section 1 (6), chapter 705, Oregon Laws 2013, the State Treasurer may issue Article XI-Q bonds in an amount not to exceed \$19 million of net proceeds for the purposes specified in subsection [(3)] **(6)** of this section, plus an amount estimated by the State Treasurer to pay estimated bond-related costs.

(2)[(a)] Bonds may not be issued pursuant to this section or section 10, chapter 685, Oregon Laws 2015, unless[:] **a courthouse project meets the requirements of subsection (3) or (4) of this section.**

(3) Bonds may be issued pursuant to this section or section 10, chapter 685, Oregon Laws 2015, if:

[(A)] **(a)** The Chief Justice of the Supreme Court has determined that:

[(i)] **(A)** The courthouse with respect to which the bonds will be issued has significant structural defects, including seismic defects, that present actual or potential threats to human health and safety;

[(ii)] **(B)** Replacing the courthouse, whether by acquiring and remodeling or repairing an existing building or by constructing a new building, is more cost-effective than remodeling or repairing the courthouse; and

[(iii)] **(C)** Replacing the courthouse creates an opportunity for colocation of the court with other state offices; and

[(B)] **(b)** The Oregon Department of Administrative Services has approved the project for which the bonds will be issued.

(4) Bonds may be issued pursuant to this section or section 10, chapter 685, Oregon Laws 2015, if:

(a) The Chief Justice of the Supreme Court has determined that:

(A) Renovating or expanding the court space in the courthouse, by remodeling or repairing the existing courthouse space or by constructing an addition to the existing courthouse building, will directly benefit the court and is more feasible than replacing the courthouse;

(B) Renovating or expanding the courthouse creates or maintains an opportunity for colocation of the circuit court with other state offices;

(C) The renovated or expanded courthouse would significantly improve the court facility, according to criteria adopted by the Chief Justice; and

(D) If applicable, the project includes the remediation of significant building defects that present actual or potential threats to human health and safety in the existing courthouse building; and

(b) The Oregon Department of Administrative Services has approved the project for which the bonds will be issued.

[(b)] **(5)** The Oregon Department of Administrative Services, after consultation with the Judicial Department, shall determine when net proceeds are needed for the purposes described in subsection *[(3)]* **(6)** of this section and shall consult with the Judicial Department regarding the sale of bonds to be issued pursuant to this section.

[(3)] **(6)** The State Treasurer shall deposit the net proceeds of bonds issued pursuant to this section and section 10, chapter 685, Oregon Laws 2015, in the Oregon Courthouse Capital Construction and Improvement Fund. The net proceeds and any interest earnings may be used solely to finance costs related to acquiring, constructing, remodeling, repairing, equipping or furnishing land, improvements, courthouses or portions of courthouses that are, or that upon completion of a project funded under this section will be, owned or operated by the State of Oregon.

[(4)] **(7)** As used in ORS 286A.816 to 286A.826 with respect to this section:

(a) "Project agency" means the Judicial Department.

(b) "Project fund" means the Oregon Courthouse Capital Construction and Improvement Fund.

SECTION 2. ORS 1.183 is amended to read:

1.183. (1)(a) Notwithstanding ORS 1.185, a county and the state, acting by and through the Oregon Department of Administrative Services on behalf of the Judicial Department, may enter into interim agreements that provide for the funding, acquisition, development, *[and]* **renovation, expansion or** construction of a courthouse and require the parties to negotiate in good faith and execute a long-term lease agreement or a long-term intergovernmental agreement with respect to the ownership or operation of a courthouse or portions of a courthouse that the county is required to provide under ORS 1.185, pursuant to which the state agrees to provide the property and services described in ORS 1.185 (1)(a).

(b)(A) An agreement entered into pursuant to this subsection **for a courthouse replacement project under ORS 1.181 (3) or a courthouse improvement project under ORS 1.181 (4)** may include a requirement that the county transfer to the Oregon Courthouse Capital Construction and Improvement Fund an amount not less than 50 percent of the total estimated costs of a project funded with bonds issued pursuant to ORS 1.181 or section 10, chapter 685, Oregon Laws 2015, with respect to the courthouse or portions of a courthouse that are the subject of the agreement.

(B) The amount transferred by a county pursuant to this paragraph may comprise, singly or in any combination and proportion:

(i) Property tax revenues, bond proceeds or any other county moneys; and

(ii) A credit equal to the higher of the appraised value or the actual purchase price of land purchased by the county for the courthouse **replacement project** if the state approves of the land as the site for the courthouse **or for the courthouse improvement project if the state approves of the land as the site necessary to expand the existing courthouse.**

(C) The amount required to be transferred by the county under this subsection may not be less than 75 percent of the total estimated costs unless the project includes **the opportunity for** colocation in the courthouse of state offices in addition to the state circuit court facilities.

(2) For purposes of ORS 1.181 and section 10, chapter 685, Oregon Laws 2015, the state shall be considered to operate a courthouse or portions of a courthouse that are the subject of an agreement entered into pursuant to subsection (1) of this section if, as applicable:

(a) The lease agreement conveys to the state a full leasehold interest, including exclusive rights to control and use the courthouse or portions of the courthouse that are typical of a long-term lease, for a term that is at least equal to the term during which the bonds issued pursuant to ORS 1.181 and section 10, chapter 685, Oregon Laws 2015, will remain outstanding.

(b) The intergovernmental agreement grants the state the exclusive right to control and use the courthouse or portions of the courthouse for a term that is at least equal to the term during which the bonds issued pursuant to ORS 1.181 and section 10, chapter 685, Oregon Laws 2015, will remain outstanding.

SECTION 3. ORS 1.184 is amended to read:

1.184. (1) The Oregon Courthouse Capital Construction and Improvement Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned on moneys in the Oregon Courthouse Capital Construction and Improvement Fund shall be credited to the fund.

(2) The fund consists of moneys deposited in the fund pursuant to ORS 1.181 and section 10, chapter 685, Oregon Laws 2015, and moneys transferred to the fund by a county pursuant to ORS 1.183 (1)(b) and may include fees, revenues and other moneys appropriated by the Legislative Assembly for deposit in the fund.

(3) Moneys in the fund are continuously appropriated to the Judicial Department for:

(a) The purposes described in ORS 1.181 [(3)] (6);

(b) Payment of the costs incurred by the department to administer the fund; and

(c) Payment of bond-related costs, as defined in ORS 286A.816.

SECTION 4. Section 45, chapter 559, Oregon Laws 2025, is amended to read:

Sec. 45. (1) For purposes of this section, the purpose of community restoration is the restoration of the defendant's fitness to proceed in order to continue the criminal case.

(2)(a) If the most serious offense in the charging instrument is a violation or a misdemeanor other than a Class A misdemeanor, the maximum time period that the defendant may be ordered to engage in community restoration services is 90 days. The time period may be extended by the court as described in subsection (3) of this section by an additional 90 days, up to a total of 180 days.

(b) If the most serious offense in the charging instrument is a Class A misdemeanor other than a person Class A misdemeanor, the maximum time period that the defendant may be ordered to engage in community restoration services is 90 days. The time period may be extended by the court as described in subsection (3) of this section by additional increments of 90 days, to up to a total of 365 days.

(c) If the most serious offense in the charging instrument is a person Class A misdemeanor or a contempt charge, the maximum time period that the defendant may be ordered to engage in community restoration services is six months. The time period may be extended by the court as described in subsection (3) of this section by additional increments of six months, to up to a total of 18 months.

(d) If the most serious offense in the charging instrument is a felony other than aggravated murder, a violent felony or a crime listed in ORS 137.700 (2), the maximum time period that the defendant may be ordered to engage in community restoration services is 12 months. The time period may be extended by the court as described in subsection (3) of this section by additional increments of six months, to up to a total of 24 months.

(e) If the most serious offense in the charging instrument is aggravated murder, a violent felony or a crime listed in ORS 137.700 (2), the maximum time period that the defendant may be ordered to engage in community restoration services is 18 months. The time period may be extended by the court as described in subsection (3) of this section by additional increments of six months, to up to a total of 24 months.

(3)(a) The court may extend the maximum time periods of community restoration services, up to the total amounts specified in subsection (2) this section, upon the request of a party as provided in this subsection.

(b) A party may petition for an extension to the maximum period of community restoration described in subsection (2) of this section. The petition must be submitted at least five days prior to the expiration of the maximum period of community restoration. The court may extend the deadline for filing a petition for good cause.

(c) Upon receipt of a petition described in paragraph (b) of this subsection, the court shall hold a hearing. The hearing must occur within 30 days after the filing of the petition.

- (d) The court may extend the community restoration period if the court finds:
- (A) There is clear evidence of progress toward the defendant gaining or regaining fitness to proceed; and
 - (B) That appropriate services are being made available to the defendant.
- (e) The petitioning party has the burden of proof.
- (f) The court may continue the order for the defendant to participate in community restoration services pending the outcome of the petition.
- (4) The following time periods may not be considered when calculating the maximum period of community restoration services under subsection (2) of this section:
- (a) A period of time between a scheduled court appearance at which the defendant fails to appear and the next scheduled court appearance at which the defendant appears, other than an appearance that occurs for the purpose of addressing the failure to appear;
 - (b) A period of time between a scheduled fitness to proceed evaluation at which the defendant fails to appear and the next scheduled court appearance at which the defendant appears;
 - (c) A period of time during which the defendant is in violation of a release agreement condition that the court finds negatively impacts the defendant's ability to participate or engage in community restoration services, as determined by the court;
 - (d) A period of time during which the defendant is in the custody of a local or state correctional facility;
 - (e) A period of time during which the defendant fails to make reasonable efforts toward gaining or regaining fitness to proceed, as determined by the court;
 - (f) A period of time during which the defendant is not attending or complying with community restoration services treatment, and any nonattendance is not excused, as determined by the court;
 - (g) A period of time during which the defendant is noncompliant with taking or receiving, or verbally refuses to take or receive, prescribed medications, as determined by the court; and
 - (h) A period of time between the defendant's absconsion from a secure residential treatment facility or other secure placement and the next scheduled court appearance at which the defendant appears.
- (5) When a defendant has been ordered to engage in community restoration services:
- (a) The court shall conduct regular status reviews at least every 45 days. The status review may consist of the court reviewing a report to the court by the community mental health program director concerning the defendant's progress. Any report provided to the court for a status review must include information concerning whether the defendant is making progress toward gaining or regaining fitness to proceed, what services that are being provided to the defendant and the identification of any additional services that are required to meet the defendant's restoration needs.
 - (b) The court shall conduct a review hearing at least every 180 days, or every 90 days if the most serious offense in the charging instrument is a violation, a Class B or Class C misdemeanor or a Class A misdemeanor other than a person Class A misdemeanor. At the review hearing, the court shall determine whether the purpose of community restoration is being met, and the court may take any action authorized under ORS 161.370 (2)(c) at the hearing.
 - (c) The defendant shall be evaluated to determine whether the defendant has gained or regained fitness to proceed at least every 180 days.
 - (d) If the most serious offense in the charging instrument is a violation, a Class B or Class C misdemeanor or a Class A misdemeanor other than a person Class A misdemeanor, the court shall order that an updated evaluation, to determine whether the defendant has gained or regained fitness to proceed, be conducted and a report submitted to the court prior to the review hearing occurring 90 days after the order to engage in community restoration services is entered.
 - (e) *[A community restoration services provider shall immediately notify the court]* **The community mental health program director, or the entity providing community restoration services to the defendant, if the director delegates the duty to the entity, shall file notice with the court within two judicial days** following the defendant's noncompliance with taking or receiving, or verbal refusal to take or receive, prescribed medications, or **any other** noncompliance or unexcused

absence from community restoration services treatment. The notice shall contain a description of **the noncompliance and** efforts taken to engage the defendant in taking or receiving medication or attending and complying with treatment services. The [*community restoration services provider*] **notifying party** shall additionally notify the court if the defendant thereafter begins taking or receiving prescribed medications or attending and complying with treatment services.

Passed by House March 3, 2026

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate March 6, 2026

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Rob Wagner, President of Senate

Received by Governor:

.....M,....., 2026

Approved:

.....M,....., 2026

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2026

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Tobias Read, Secretary of State