



TINA KOTEK
GOVERNOR

July 24, 2025

The Honorable Tobias Read
Secretary of State
900 Court Street NE
Salem, OR 97301

RE: House Bill 5031

Dear Secretary Read:

Today, I am signing House Bill 5031, the budget bill for the Oregon Public Defense Commission (OPDC) for the 2025-27 biennium.

Since OPDC's transfer from the judicial to the executive branch on January 1, 2025, my administration's top priority for the agency has been to end the unrepresented defendant crisis and make sure Oregon fulfills its constitutional duty to provide defense attorneys to persons who are charged with crimes.

As of June 30, Oregon has over 3,330 defendants who are unrepresented by an attorney, with the crisis concentrated in six counties. OPDC Interim Director Sanchagrin recently released a plan to make sure every Oregonian charged with a crime has qualified legal counsel. OPDC is taking steps to implement this plan: reducing the contractual hurdles that experienced attorneys face in taking additional cases, improving its data collection and analysis, initiating contract changes to increase attorney capacity, working with stakeholders to create early resolution dockets in crisis counties, and strategically utilizing OPDC's trial division to mitigate the unrepresented crisis.

House Bill 5031 increases funding for OPDC, and I am appreciative of legislators' ongoing partnership toward resolving this crisis. However, I am concerned that the approved budget did not include the needed investments in the state trial division that were included in the Governor's Recommended Budget Policy Option Package 103. Investments in the trial division are crucial if Oregon is to end the unrepresented crisis, as indicated by Director Sanchagrin's analysis and plan.

Nationally, Oregon is an outlier in its heavy reliance on contractors to provide public defense services. Recognizing that weakness, Senate Bill 337 (2023) requires that by 2031, at least 20% of public defenders providing trial level services in Oregon be state employees. That number increases to at least 30% by 2035.

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The trial division provides the state with flexibility in service delivery that does not exist with contracted defense providers. Additionally, the state is able to get real-time, high-quality data on the effectiveness of its attorneys. Trial division attorneys have also been key to finding counsel for in-custody defendants who were unrepresented and faced release under the federal court's *Betschart* ruling. A large percentage of the trial division's caseload includes individuals who were out of custody and unrepresented when OPDC was appointed. Cases where unrepresented individuals are out of custody make up the majority of cases contributing to the crisis. OPDC attorneys have also staffed probation violation hearings and early resolution dockets. With the legislature ending the Temporary Hourly Increase Program (THIP) as of June 30, the flexibility of the trial division is even more critical.

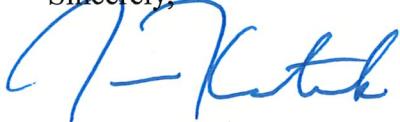
Recognizing we are in a resource-constrained budget environment, I intend to work with legislators leading into the 2026 session to find funding to support a more moderate expansion of the trial division than was in Policy Option Package 103.

House Bill 5031 also did not fund a case assignment coordinator position. During the 2023-25 biennium, OPDC had three limited duration assignment coordinator positions that have been critical in providing defendants with attorneys across the state. In June 2025, these individuals assigned over 1,000 cases statewide. While I am appreciative that the legislature funded two permanent positions, I am concerned that the lack of funding for the third position will impede OPDC's ability to quickly get defendants their attorneys.

I have directed OPDC to prioritize its resources on addressing the unrepresented crisis. Each of OPDC's regional offices are working with local courts to establish early resolution dockets. As THIP ends, OPDC is utilizing some of the trial division's capacity to pick up the slack. Despite case filings statewide increasing by 8.9% in 2025, the number of unrepresented defendants has stabilized and has even started to decrease across Oregon.

I again want to thank legislators for their commitment to Oregon's public safety. I know you share my commitment to ensuring Oregon lives up to its constitutional duties and values in ensuring that our state has quality public defense.

Sincerely,



Governor Tina Kotek

cc: Speaker of the House Julie Fahey
Senate President Rob Wagner

TK:smg