

House Bill 2315

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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**.

Clarifies fee that municipal court or justice court may add to criminal judgment when judgment is assigned to private collection agency.

A BILL FOR AN ACT

1
2 Relating to judgments in criminal actions; amending ORS 137.118 and 156.315.

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

4 **SECTION 1.** ORS 137.118 is amended to read:

5 137.118. (1) Judgments in criminal actions that impose monetary obligations, including judgments
6 requiring the payment of fines, costs, assessments, compensatory fines, attorney fees, forfeitures or
7 restitution, may be assigned by the state, by a municipal court or by a justice court for collection.

8 (2)(a) The state may assign a judgment **in a criminal action** to the Department of Revenue or
9 a private collection agency.

10 (b) A justice court may assign a judgment to a private collection agency or, in a criminal action,
11 to the Department of Revenue for the purposes described in ORS 156.315.

12 (c) A municipal court may assign a judgment to:

13 (A) A private collection agency; or

14 (B) The Department of Revenue for the purposes described in subsections (6) to (8) of this sec-
15 tion, if the judgment was entered in a criminal action and part of the judgment is payable to the
16 State of Oregon.

17 (d) Nothing in this subsection limits the right of a municipal court or a justice court to assign
18 for collection judgments in matters other than criminal actions.

19 *[(3) A municipal or justice court may add to any judgment in a criminal action that includes a*
20 *monetary obligation a fee for the cost of collection if the court gives the defendant a period of time to*
21 *pay the obligation after the date of imposition of the sentence or after the date of the hearing or pro-*
22 *ceeding that results in the imposition of the financial obligation. The fee may not exceed 25 percent of*
23 *the monetary obligation imposed by the court without the addition of the cost of collection and may not*
24 *be more than \$250. The fee shall be waived or suspended by the court if the defendant pays the mon-*
25 *etary obligation in the manner required by the court.]*

26 **(3) If a municipal court or a justice court assigns a judgment in a criminal action to a**
27 **private collection agency, the court may add a fee to the debt as provided in ORS 697.105.**

28 (4) A state court shall add to any judgment in a criminal action that includes a monetary obli-
29 gation the fees required by ORS 1.202.

30 (5) As used in subsections (1) to [(5)] (4) of this section, "criminal action" has the meaning given
31 that term in ORS 131.005.

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 (6) If part of a judgment in a criminal action, as described in subsections (1) to [(5)] (4) of this
2 section, is payable to the State of Oregon, a municipal court may assign the judgment to the Col-
3 lections Unit in the Department of Revenue for the following purposes:

4 (a) To determine whether refunds or other sums are owed to the debtor by the department; and

5 (b) To deduct the amount of debt from any refunds or other sums owed to the debtor by the
6 department.

7 (7) If the Collections Unit determines that refunds or other sums are owed to the debtor, the
8 department shall deduct the amount of the debt from any refunds or other sums owed to the debtor
9 by the department. After also deducting costs of its actions under subsections (6) to (8) of this sec-
10 tion, the department shall remit the amount deducted from refunds or other sums owed to the debtor
11 to the municipal court that assigned the judgment.

12 (8) A debtor whose account is assigned to the Department of Revenue for setoff under sub-
13 sections (6) to (8) of this section is entitled to the notice required by ORS 293.250 (3)(d) and to the
14 opportunity for payment in ORS 293.250 (3)(c).

15 **SECTION 2.** ORS 156.315 is amended to read:

16 156.315. (1) A justice court may assign a judgment in a criminal action, as described in ORS
17 137.118 (1) to [(5)] (4), to the Collections Unit in the Department of Revenue for the following pur-
18 poses:

19 (a) To determine whether refunds or other sums are owed to the debtor by the department; and

20 (b) To deduct the amount of the debt from any refunds or other sums owed to the debtor by the
21 department.

22 (2) If the Collections Unit determines that refunds or other sums are owed to the debtor, the
23 department shall deduct the amount of the debt from any refunds or other sums owed to the debtor
24 by the department. After also deducting costs of its actions under this section, the department shall
25 remit the amount deducted from refunds or other sums owed to the debtor to the justice court that
26 assigned the judgment.

27 (3) A debtor whose account is assigned to the Department of Revenue for setoff under this sec-
28 tion is entitled to the notice required by ORS 293.250 (3)(d) and to the opportunity for payment in
29 ORS 293.250 (3)(c).

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