

Senate Bill 128

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Attorney General Hardy Myers for Attorney General's Restitution Reform Task Force)

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**.

Provides for collection of monetary obligations while defendant is incarcerated unless court makes finding of current inability of defendant to pay.

A BILL FOR AN ACT

1
2 Relating to moneys owed by defendant; amending ORS 161.675.

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

4 **SECTION 1.** ORS 161.675 is amended to read:

5 161.675. (1) When a defendant, as a part of a sentence or as condition of probation or suspension
6 of sentence, is required to pay a sum of money for any purpose, the court may order payment to be
7 made immediately or within a specified period of time or in specified installments. If a defendant is
8 sentenced to a term of imprisonment, any part of the sentence that requires the payment of a sum
9 of money for any purpose is enforceable during the period of imprisonment [*if*] **unless** the court
10 expressly finds that the defendant [*has*] **does not have** assets to pay all or part of the amounts or-
11 dered.

12 (2) When a defendant whose sentence requires the payment of a sum of money for any purpose
13 is also sentenced to probation or imposition or execution of sentence is suspended, the court may
14 make payment of the sum of money a condition of probation or suspension of sentence.

15 (3) When a defendant is sentenced to probation or imposition or execution of sentence is sus-
16 pended and the court requires as a part of the sentence or as a condition of the probation or sus-
17 pension of sentence that the defendant pay a sum of money in installments, the court, or the court
18 clerk or parole and probation officer if so ordered by the court, shall establish a schedule of pay-
19 ments to satisfy the obligation. A schedule of payments shall be reviewed by the court upon motion
20 of the defendant at any time, so long as the obligation remains unsatisfied.

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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.