

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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**Action:** Without Recommendation as to Passage, but with Amendments, Be Engrossed, and Be Referred to the Committee on Rules

**Vote:** 10 - 0 - 0

**Yeas:** Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker

**Nays:** 0

**Exc.:** 0

**Prepared By:** Shannon Sivell, Counsel

**Meeting Dates:** 3/12, 4/21, 4/24, 4/28

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**WHAT THE MEASURE DOES:** Directs joint legislative interim committee to study feasibility of implementing a commercial surety bail system in Oregon. Requires committee to study six specific areas and invite participation from various agencies.

**ISSUES DISCUSSED:**

- Possible amendments
- Need for an interim group to study the issues associated with bail bonds
- Fiscal impact of amendments

**EFFECT OF COMMITTEE AMENDMENT:** Replaces the measure.

**BACKGROUND:** Under ORS 135.230, a “surety” is one who executes a security release and binds oneself to pay the security amount if the defendant fails to comply with the release agreement. Oregon used commercial sureties until the mid-1970s when the bail bonds system was dismantled. Currently, when bail is set by a judge, the defendant must post 10 percent of the amount in order to be released. If the defendant subsequently fails to appear (FTA) at a hearing or trial date, the money that is posted is forfeited to the state. When a defendant jumps bail, the person who posted bail is supposed to be held responsible for the full amount of the bail. However, due to a lack of resources, the state currently does not attempt to recover the remaining 90 percent of the bail.

Oregon is one of only four states that does not allow bail bonds and sureties to operate. From 2000-2007, Oregon has averaged 50,000 FTAs per year.

HB 2682A would require an interim committee to study the impact a surety bail program would have on FTA rates, jail populations, courts, and forfeiture collections and compare findings to national statistics.