

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 3

Yeas: Berger, Edwards C., Gelser, Read, Roblan

Nays: 0

Exc.: Garrard, Jenson, Nolan

Prepared By: Jerry Watson, Administrator

Meeting Dates: 5/13, 5/18, 5/20

WHAT THE MEASURE DOES: Directs joint legislative interim committee on judiciary or other appropriate interim committee to take testimony on feasibility and advisability of reinstating a commercial surety bail system in Oregon. Describes six specific topics on which committee may solicit testimony. Allows, but does not require, committee to make recommendations to the next regular or special session of Legislative Assembly. Directs committee to invite participation in study by specified agencies and stakeholders. Declares emergency, takes effect on July 1, 2009.

ISSUES DISCUSSED:

- Eliminating the fiscal impact statement from the original measure
- Proposed amendment

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 do 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 include testimony on the impact a surety bail program would have on FTA rates, jail populations, courts, and forfeiture collections and compare findings to national statistics.