

House Bill 2302

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon Collectors Association)

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**.

Authorizes county or city to seek reimbursement from person committed to local correctional facility any time after person's release.

A BILL FOR AN ACT

1
2 Relating to local correctional expenses; creating new provisions; and amending ORS 169.151.

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

4 **SECTION 1.** ORS 169.151 is amended to read:

5 169.151. (1) A city or, notwithstanding ORS 169.150 (1), a county may seek reimbursement from
6 a person who is or was committed to the local correctional facility of the county or city upon con-
7 viction of a crime for any expenses incurred by the county or city in safekeeping and maintaining
8 the person. The county or city may seek reimbursement:

9 (a) At a rate of \$60 per day or its actual daily cost of safekeeping and maintaining the person,
10 whichever is less, multiplied by the total number of days the person was confined to the local
11 correctional facility, including, but not limited to, any period of pretrial detention; and

12 (b) For any other charges or expenses that the county or city is entitled to recover under ORS
13 169.150.

14 (2) The county or city may seek reimbursement for expenses as provided in subsection (1) of this
15 section by filing a civil action [*no later than one year*] **at any time** after the person from whom re-
16 imbursement is sought is released from the local correctional facility.

17 (3) When a person is found liable for expenses described in subsection (1) of this section and an
18 amount is determined, the court shall, before entering a judgment against the person, allow the
19 person to present evidence on the issue of the person's ability to pay. When a person presents such
20 evidence, the court shall determine the person's ability to pay taking into consideration:

21 (a) The financial resources of the person and the burden that payment will impose on the person
22 in providing basic economic necessities to the person or the person's dependent family; and

23 (b) Any other monetary obligations imposed upon the person by the court as a result of the
24 conviction for which the person was committed to the local correctional facility.

25 (4) The court, and not a jury, shall determine the defendant's ability to pay under subsection (3)
26 of this section.

27 (5) Upon the conclusion of a proceeding under subsection (3) of this section, the court may enter
28 a judgment:

29 (a) Of dismissal if the court finds that the person lacks the ability to pay;

30 (b) For less than the full amount determined if the court finds that the person has the ability
31 to pay a portion of the amount; or

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 (c) For the full amount determined, plus costs and disbursements, if the court determines the
2 person has the ability to pay.

3 (6) Any reimbursements collected under this section must be credited to the general fund of the
4 county or city to be available for general fund purposes.

5 **SECTION 2. The amendments to ORS 169.151 by section 1 of this 2009 Act apply to civil**
6 **actions seeking reimbursement from persons released from local correctional facilities on**
7 **or after the effective date of this 2009 Act.**

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