

A-Engrossed
House Bill 2682

Ordered by the House May 6
Including House Amendments dated May 6

Sponsored by COMMITTEE ON JUDICIARY

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.

[Permits sureties to offer commercial security release.]

[Directs Director of Department of Consumer and Business Services to adopt rules establishing commercial surety licensing program.]

Directs joint legislative interim committee on judiciary to conduct study of feasibility and advisability of instituting system of commercial surety bail. Directs committee to make recommendations to next regular or special session of Legislative Assembly.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to commercial security release; and declaring an emergency.

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

4 **SECTION 1. (1) The joint legislative interim committee on the judiciary shall conduct a**
5 **study of the feasibility and advisability of instituting a system of commercial surety bail in**
6 **the state of Oregon. The committee shall:**

7 (a) **Examine the cost of the existing system of pretrial release in Oregon and compare**
8 **it to the cost of a pretrial release system that relies on commercial surety bail, based on**
9 **national statistics.**

10 (b) **Examine the failure-to-appear rate of the current pretrial release system and com-**
11 **pare it to the probable failure-to-appear rate of a pretrial release system that relies on**
12 **commercial surety bail, based on national statistics.**

13 (c) **Examine the impact on public safety of the operation of the current pretrial release**
14 **system and compare it to the probable impact on public safety of the operation of a pretrial**
15 **release system that relies on commercial surety bail, based on national statistics.**

16 (d) **Examine the probable impact on jail populations of instituting a pretrial release sys-**
17 **tem that relies on commercial surety bail, based on national statistics.**

18 (e) **Examine the probable impact on the court system of instituting a pretrial release**
19 **system that relies on commercial surety bail, based on national statistics.**

20 (f) **Examine the probable impact on forfeiture collections of instituting a pretrial release**
21 **system that relies on commercial surety bail, based on national statistics.**

22 (2) **Based on the study, the committee shall make recommendations to the next regular**
23 **or special session of the Legislative Assembly.**

24 (3) **The committee shall invite participation in the study by:**

25 (a) **The Oregon State Sheriffs' Association.**

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 **(b) The Oregon District Attorneys Association.**
- 2 **(c) The Department of Consumer and Business Services.**
- 3 **(d) The Department of Public Safety Standards and Training.**
- 4 **(e) The Judicial Department.**
- 5 **(f) The Department of Justice.**
- 6 **(g) Criminal defense attorneys.**
- 7 **(h) Crime victims' rights organizations.**
- 8 **(i) Representatives of the commercial surety bail industry, including sureties and retail-**
- 9 **ers.**

10 **SECTION 2.** **This 2009 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
12 **on July 1, 2009.**

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