

# House Bill 2548

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim 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 **as introduced**.

Establishes commercial bail system.

### A BILL FOR AN ACT

Relating to bail; creating new provisions; and amending ORS 18.048, 25.715, 33.075, 40.015, 51.120, 131.405, 131.890, 133.450, 133.753, 133.803, 133.827, 133.843, 135.060, 135.067, 135.230, 135.245, 135.265, 135.280, 137.050, 138.250, 138.650, 157.050, 162.195, 162.205, 169.340, 181.637, 221.352, 703.430, 731.036, 731.186, 731.292, 742.350, 742.356, 744.052, 744.062 and 802.530.

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

**SECTION 1.** ORS 135.230 is amended to read:

135.230. As used in ORS 135.230 to 135.290, unless the context requires otherwise:

(1) "Abuse" means:

(a) Attempting to cause or intentionally, knowingly or recklessly causing physical injury;

(b) Intentionally, knowingly or recklessly placing another in fear of imminent serious physical injury; or

(c) Committing sexual abuse in any degree as defined in ORS 163.415, 163.425 and 163.427.

(2) "**Bail agent**" means a retail provider of pretrial release services who is authorized by a surety insurer to execute or countersign bail bonds as security for the pretrial release of defendants in criminal judicial proceedings and who holds a limited class license issued under section 34 of this 2013 Act in the line of surety insurance.

(3) "**Bail bond**" means a written instrument posted by a bail agent and underwritten by a surety insurer that serves as security for the pretrial release of a defendant and that obligates the surety insurer to pay the security amount set by the court at the time of the defendant's release.

(4) "**Bail recovery agent**" means a person who is under contract with a bail agent to receive compensation, reward or other form of lawful consideration for locating, apprehending and surrendering a fugitive criminal defendant for whom a bail bond has been posted and who holds a private investigator's license with an endorsement as a bail recovery agent issued under ORS 703.430. "**Bail recovery agent**" does not mean a peace officer of this state or a person who holds a license as a bail recovery agent in another jurisdiction but does not hold a private investigator's license with an endorsement as a bail recovery agent issued under ORS 703.430.

[(2)] (5) "**Conditional release**" means a nonsecurity release *[which]* **that** imposes regulations on the activities and associations of the defendant.

**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        [(3)] **(6)** “Domestic violence” means abuse between family or household members.
- 2        [(4)] **(7)** “Family or household members” means any of the following:
- 3        (a) Spouses.
- 4        (b) Former spouses.
- 5        (c) Adult persons related by blood or marriage.
- 6        (d) Persons cohabiting with each other.
- 7        (e) Persons who have cohabited with each other or who have been involved in a sexually inti-
- 8        mate relationship.
- 9        (f) Unmarried parents of a minor child.
- 10       [(5)] **(8)** “Magistrate” has the meaning provided for this term in ORS 133.030.
- 11       [(6)] **(9)** “Personal recognizance” means the release of a defendant upon the promise of the de-
- 12       fendant to appear in court at all appropriate times.
- 13       [(7)] **(10)** “Primary release criteria” includes the following:
- 14       (a) The reasonable protection of the victim or public;
- 15       (b) The nature of the current charge;
- 16       (c) The defendant’s prior criminal record, if any, and, if the defendant previously has been re-
- 17       leased pending trial, whether the defendant appeared as required;
- 18       (d) Any facts indicating the possibility of violations of law if the defendant is released without
- 19       regulations; and
- 20       (e) Any other facts tending to indicate that the defendant is likely to appear.
- 21       [(8)] **(11)** “Release” means temporary or partial freedom of a defendant from lawful custody be-
- 22       fore judgment of conviction or after judgment of conviction if defendant has appealed.
- 23       [(9)] **(12)** “Release agreement” means a sworn writing by the defendant stating the terms of the
- 24       release and, if applicable, the amount of security.
- 25       [(10)] **(13)** “Release decision” means a determination by a magistrate, using primary and sec-
- 26       ondary release criteria, *[which]* **that** establishes the form of the release most likely to ensure the
- 27       safety of the public and the victim, the defendant’s court appearance and that the defendant does
- 28       not engage in domestic violence while on release.
- 29       [(11)] **(14)** “Secondary release criteria” *[includes the following]* **means:**
- 30       (a) The defendant’s employment status and history and financial condition;
- 31       (b) The nature and extent of the family relationships of the defendant;
- 32       (c) The past and present residences of the defendant;
- 33       (d) Names of persons who agree to assist the defendant in attending court at the proper time;
- 34       and
- 35       (e) Any facts tending to indicate that the defendant has strong ties to the community.
- 36       [(12)] **(15)** “Security release” means a release conditioned on a promise to appear in court at
- 37       all appropriate times *[which]* **that** is secured by cash, stocks, bonds or real **or personal** property
- 38       **or by a bail bond.**
- 39       [(13)] **(16)** “Surety” *[is one who]* **means a person that** executes a security release *[and]* **that**
- 40       binds *[oneself]* **the person** to pay the security amount if the defendant fails to comply with the re-
- 41       lease agreement.
- 42       **(17) “Surety insurer” means an insurer authorized under the Insurance Code to transact**
- 43       **surety insurance, as defined in ORS 731.186, in this state.**
- 44       **(18) “Surrender” means the voluntary surrender, or the delivery, of a defendant into the**
- 45       **custody of the sheriff of the county where an action against the defendant is pending.**

**SECTION 2.** ORS 135.245 is amended to read:

135.245. (1) Except as provided in ORS 135.240, a person in custody has the right to immediate security release or to be taken before a magistrate without undue delay. If the person is not released under ORS 135.270, or otherwise released before arraignment, the magistrate shall advise the person of the right of the person to a security release as provided in ORS 135.265.

(2) If a person in custody does not request a security release at the time of arraignment, the magistrate shall make a release decision regarding the person within 48 hours after the arraignment.

(3) If the magistrate, having given priority to the primary release criteria, decides to release a defendant or to set security, the magistrate shall impose the least onerous condition reasonably likely to ensure the safety of the public and the victim and the person's later appearance and, if the person is charged with an offense involving domestic violence, ensure that the person does not engage in domestic violence while on release. A person in custody, otherwise having a right to release, shall be released upon the personal recognizance unless:

(a) Release criteria show to the satisfaction of the magistrate that such a release is unwarranted; or

(b) Subsection (6) of this section applies to the person.

(4) Upon a finding that release of the person on personal recognizance is unwarranted, the magistrate shall impose either conditional release or security release.

(5) At the release hearing:

(a) The district attorney has a right to be heard in relation to issues relevant to the release decision; and

(b) The victim has the right:

(A) Upon request made within the time period prescribed in the notice required by ORS 147.417, to be notified by the district attorney of the release hearing;

(B) To appear personally at the hearing; and

(C) If present, to reasonably express any views relevant to the issues before the magistrate.

(6) If a person refuses to provide a true name under the circumstances described in ORS 135.060 and 135.065, the magistrate may not release the person on personal recognizance or on conditional release. The magistrate may release the person on security release under ORS 135.265 except that the magistrate shall require the person to deposit the full security amount set by the magistrate **or to post a bail bond with a penal sum equal to the security amount set by the magistrate.**

*[(7) This section shall be liberally construed to carry out the purpose of relying upon criminal sanctions instead of financial loss to assure the appearance of the defendant.]*

**SECTION 3.** ORS 135.265 is amended to read:

135.265. (1) If the defendant is not released on personal recognizance under ORS 135.255, or granted conditional release under ORS 135.260, or fails to agree to the provisions of the conditional release, the magistrate shall set a security amount that will reasonably assure the defendant's appearance. The defendant shall execute the security release **or bail bond** in the amount set by the magistrate.

(2) *[The]* **A defendant required to deposit a security amount** shall execute a release agreement and deposit with the clerk of the court before which the proceeding is pending a sum of money equal to 10 percent of the security amount, but in no event shall such deposit be less than \$25. The clerk shall issue a receipt for the sum deposited. Upon depositing this sum the defendant shall be released from custody subject to the condition that the defendant appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until dis-

1 charged or final order of the court. Once security has been given and a charge is pending or is  
 2 thereafter filed in or transferred to a court of competent jurisdiction the latter court shall continue  
 3 the original security in that court [*subject to ORS 135.280 and 135.285*]. When conditions of the re-  
 4 lease agreement have been performed and the defendant has been discharged from all obligations in  
 5 the cause, the clerk of the court shall return to the person shown by the receipt to have made the  
 6 deposit, unless the court orders otherwise, 85 percent of the sum which has been deposited and shall  
 7 retain as security release costs 15 percent, but not less than \$5 nor more than \$750, of the amount  
 8 deposited. The interest that has accrued on the full amount deposited shall also be retained by the  
 9 clerk. The amount retained by the clerk of a circuit court shall be paid over as directed by the State  
 10 Court Administrator for deposit in the General Fund. The amount retained by a justice of the peace  
 11 shall be deposited in the county treasury. The amount retained by the clerk of a municipal court  
 12 shall be deposited in the municipal corporation treasury. At the request of the defendant the court  
 13 may order whatever amount is repayable to defendant from such security amount to be paid to  
 14 defendant's attorney of record.

15 (3)(a) Instead of [*the security deposit*] **depositing the security amount as** provided [*for*] in  
 16 subsection (2) of this section the defendant may:

17 (A) Deposit with the clerk of the court an amount equal to the security amount in cash, stocks,  
 18 bonds[,] or real or personal property situated in this state with equity not exempt owned by the  
 19 defendant or sureties worth double the amount of security set by the magistrate. The stocks,  
 20 bonds[,] **or** real or personal property shall in all cases be justified by affidavit. The magistrate may  
 21 further examine the sufficiency of the security as the magistrate considers necessary.

22 (B) **Post a bail bond.**

23 (b) **A deposit made, or bail bond posted, under this subsection is not subject to the re-**  
 24 **tention of security release costs described in subsection (2) of this section.**

25 (4)(a) **The clerk of the court may not accept a bail bond under subsection (3) of this**  
 26 **section unless the bail bond is accompanied by a fee equal to one percent of the security**  
 27 **amount.**

28 (b) **The fee required under this subsection shall be deposited in the Judicial Department**  
 29 **Operating Account established under ORS 1.009.**

30 **SECTION 4.** ORS 135.280 is amended to read:

31 135.280. (1)(a) Upon failure of a person to comply with any condition of a release agreement or  
 32 personal recognizance **including appearance in court**, the court having jurisdiction may, in addi-  
 33 tion to any other action provided by law, issue a warrant for the arrest of the person at liberty upon  
 34 a personal recognizance, conditional or security release.

35 [(2)] (b) A warrant issued under **this** subsection [(1) of this section] by a municipal judge may  
 36 be executed by [*any*] a peace officer authorized to execute arrest warrants.

37 [(3) *If the defendant does not comply with the conditions of the release agreement, the court having*  
 38 *jurisdiction shall enter an order declaring the entire security amount to be forfeited. Notice of the order*  
 39 *of forfeiture shall be given forthwith by personal service, by mail or by such other means as are rea-*  
 40 *sonably calculated to bring to the attention of the defendant and, if applicable, of the sureties the order*  
 41 *of forfeiture. If, within 30 days after the court declares the forfeiture, the defendant does not appear*  
 42 *or satisfy the court having jurisdiction that appearance and surrender by the defendant was, or still*  
 43 *is, impossible and without fault of the defendant, the court shall enter judgment for the state, or ap-*  
 44 *propriate political subdivision thereof, against the defendant and, if applicable, the sureties for the en-*  
 45 *tire security amount set under ORS 135.265 and the costs of the proceedings. At any time before or*

1 after entry of the judgment, the defendant or the sureties may apply to the court for a remission of the  
2 forfeiture or to modify or set aside the judgment. The court, upon good cause shown, may remit the  
3 forfeiture or any part thereof or may modify or set aside the judgment as in other criminal cases, except  
4 the portion of the security deposit that the court ordered to be applied to child support under subsection  
5 (4) of this section, as the court considers reasonable under the circumstances of the case. The court  
6 shall adopt procedures to ensure that the amount deposited under ORS 135.265 is available for a rea-  
7 sonable period of time for disposition under subsection (4) of this section.]

8 [(4) After entry of a judgment for the state, the court, upon a motion filed under ORS 25.715, may  
9 order that a portion of the security deposit be applied to any unsatisfied child support award owed by  
10 the defendant and to provide security for child support payments in accordance with ORS 25.230. The  
11 portion of the security deposit that may be applied to the child support award:]

12 [(a) Is limited to the amount deposited under ORS 135.265 (2);]

13 [(b) May not exceed 66 percent of the entire security amount set under ORS 135.265 if the deposit  
14 has been made under ORS 135.265 (3); and]

15 [(c) Does not reduce the money award in the judgment entered under subsection (3) of this section  
16 that is owed to the state.]

17 [(5) When judgment is entered in favor of the state, or any political subdivision of the state, on any  
18 security given for a release, the judgment may be enforced as a judgment in a civil action. If entered  
19 in circuit court, the judgment shall be entered in the register, and the clerk of the court shall note in  
20 the register that the judgment creates a judgment lien. The district attorney, county counsel or city at-  
21 torney may have execution issued on the judgment and deliver same to the sheriff to be executed by levy  
22 on the deposit or security amount made in accordance with ORS 135.265, or may collect the judgment  
23 as otherwise provided by law. The proceeds of any execution or collection shall be used to satisfy the  
24 judgment and costs and paid into the treasury of the municipal corporation wherein the security was  
25 taken if the offense was defined by an ordinance of a political subdivision of this state, or paid into the  
26 treasury of the county wherein the security was taken if the offense was defined by a statute of this  
27 state and the judgment was entered by a justice court, or paid over as directed by the State Court  
28 Administrator for deposit in the Criminal Fine Account, if the offense was defined by a statute of this  
29 state and the judgment was entered by a circuit court. The provisions of this section shall not apply  
30 to amounts deposited upon appearance under ORS 153.061.]

31 [(6) When the judgment of forfeiture is entered, the security deposit or deposit with the clerk is, by  
32 virtue of the judgment alone and without requiring further execution, forfeited to and may be kept by  
33 the state or its appropriate political subdivision. Except as provided in subsection (4) of this section,  
34 the clerk shall reduce, by the value of the deposit so forfeited, the debt remaining on the judgment and  
35 shall cause the amount on deposit to be transferred to the revenue account of the state or political  
36 subdivision thereof entitled to receive the proceeds of execution under this section.]

37 [(7) The stocks, bonds, personal property and real property shall be sold in the same manner as  
38 in execution sales in civil actions and the proceeds of such sale shall be used to satisfy all court costs,  
39 prior encumbrances, if any, and from the balance a sufficient amount to satisfy the judgment shall be  
40 paid into the treasury of the municipal corporation wherein the security was taken if the offense was  
41 defined by an ordinance of a political subdivision of this state, or paid into the treasury of the county  
42 wherein the security was taken if the offense was defined by a statute of this state and the judgment  
43 was entered by a justice court, or deposited in the General Fund available for general governmental  
44 expenses if the offense was defined by a statute of this state and the judgment was entered by a circuit  
45 court. The balance shall be returned to the owner. The real property sold may be redeemed in the same

1 *manner as real estate may be redeemed after judicial or execution sales in civil actions.]*

2 **(2)(a) Upon failure of a person released on bail to comply with any condition of a release**  
 3 **agreement including appearance in court, the court having jurisdiction may, in addition to**  
 4 **any other action provided by law, issue a warrant for the arrest of the person.**

5 **(b) Upon issuance of an arrest warrant under this subsection, the court shall notify the**  
 6 **bail agent that posted the bail bond upon which the person is at liberty that the arrest**  
 7 **warrant has been issued.**

8 **(3) The court having jurisdiction over a person released on bail shall issue an arrest**  
 9 **warrant for the person if a bail agent requests the warrant and shows that:**

10 **(a) The bail agent posted the bail bond upon which the person is at liberty;**

11 **(b) The bail agent possesses a valid license issued pursuant to section 34 of this 2013 Act;**  
 12 **and**

13 **(c) There is probable cause to believe that the person:**

14 **(A) Intends to leave this state and not appear in court; or**

15 **(B) Has left this state in violation of a condition of the person’s bail.**

16 **SECTION 5. Sections 6 to 10 of this 2013 Act are added to and made a part of ORS 135.230**  
 17 **to 135.290.**

18 **SECTION 6. (1) A bail agent may arrest a person at liberty on a bail bond posted by the**  
 19 **bail agent if:**

20 **(a) The bail agent has received notice of an arrest warrant issued under ORS 135.280 (2);**  
 21 **or**

22 **(b) The bail agent has obtained a warrant for the arrest of the person under ORS 135.280**  
 23 **(3).**

24 **(2) A warrant issued under ORS 135.280 (3) may be executed by a peace officer authorized**  
 25 **to execute arrest warrants.**

26 **(3) A bail agent may authorize a bail recovery agent to execute an arrest warrant issued**  
 27 **under ORS 135.280 (2) or (3).**

28 **SECTION 7. (1) Before executing an arrest warrant issued under ORS 135.280 (2) or (3),**  
 29 **a bail agent shall notify the county sheriff having jurisdiction over the intended arrest site**  
 30 **or, if the intended arrest site is within the jurisdiction of a municipal police department, the**  
 31 **municipal police department, and the Oregon State Police that the bail agent intends to ex-**  
 32 **ecute the warrant.**

33 **(2) A bail agent, or a bail recovery agent authorized by the bail agent under section 6 of**  
 34 **this 2013 Act, may not enter a dwelling to execute an arrest warrant issued under ORS**  
 35 **135.280 (2) or (3) without contemporaneous written consent by the person lawfully in pos-**  
 36 **session of the dwelling to enter the dwelling and arrest the person subject to the arrest**  
 37 **warrant.**

38 **(3) A bail agent, or a bail recovery agent authorized by the bail agent under section 6 of**  
 39 **this 2013 Act, shall notify in advance the jail where the bail agent or bail recovery agent in-**  
 40 **tends to deliver the person arrested pursuant to an arrest warrant issued under ORS 135.280**  
 41 **(2) or (3).**

42 **(4) As used in this section, “dwelling” has the meaning given that term in ORS 164.205.**

43 **SECTION 8. (1) If a defendant released on security release as provided in ORS 135.265 (2)**  
 44 **does not comply with the conditions of the release agreement, the court having jurisdiction**  
 45 **shall enter an order declaring the entire security amount to be forfeited. Notice of the order**

1 of forfeiture shall be given forthwith by personal service, mail or other means reasonably  
 2 calculated to provide notice of the order of forfeiture to the defendant and, if applicable, the  
 3 sureties. If, within 30 days after the court declares the forfeiture, the defendant does not  
 4 appear or satisfy the court having jurisdiction that appearance and surrender by the de-  
 5 fendant was, or still is, impossible and without fault of the defendant, the court shall enter  
 6 judgment for the state or a political subdivision of the state, as applicable, against the de-  
 7 fendant and, if applicable, the sureties for the entire security amount set under ORS 135.265  
 8 (2) and the costs of the proceedings. At any time before or after entry of the judgment, the  
 9 defendant or the sureties may apply to the court for a remission of the forfeiture or to  
 10 modify or set aside the judgment. The court, upon good cause shown, may remit the forfei-  
 11 ture or any part thereof or may modify or set aside the judgment as in other criminal cases,  
 12 except the portion of the security amount that the court ordered to be applied to child sup-  
 13 port under subsection (2) of this section, as the court considers reasonable under the cir-  
 14 cumstances of the case. The court shall adopt procedures to ensure that the amount  
 15 deposited under ORS 135.265 (2) is available for a reasonable period of time for disposition  
 16 under subsection (2) of this section.

17 (2) After entry of a judgment for the state, the court, upon a motion filed under ORS  
 18 25.715, may order that a portion of the security amount be applied to any unsatisfied child  
 19 support award owed by the defendant and to provide security for child support payments in  
 20 accordance with ORS 25.230. The portion of the security amount that may be applied to the  
 21 child support award:

22 (a) Is limited to the amount deposited under ORS 135.265 (2);

23 (b) May not exceed 66 percent of the entire security amount set under ORS 135.265 (2);  
 24 and

25 (c) Does not reduce the money award in the judgment entered under subsection (1) of  
 26 this section that is owed to the state.

27 (3) This section does not apply to a deposit made or bail bond posted under ORS 135.265  
 28 (3).

29 **SECTION 9.** (1)(a) If a defendant released on a bail bond under ORS 135.265 (3) does not  
 30 comply with the conditions of the release agreement relating to court appearances, the court  
 31 having jurisdiction shall enter an order declaring the entire security amount to be forfeited.

32 (b) Within 30 days after the defendant's nonappearance, notice of the order of forfeiture  
 33 entered under this subsection shall be given to the bail agent and surety insurer that posted  
 34 the bail bond on which the defendant was released, by personal service, mail or other means  
 35 reasonably calculated to provide notice of the order of forfeiture to the bail agent and surety  
 36 insurer.

37 (2) The court shall set aside an order of forfeiture entered pursuant to subsection (1) of  
 38 this section and discharge the surety insurer of further obligation under the bail bond if:

39 (a) Within 60 days after entry of the order of forfeiture:

40 (A) The defendant appears in court on the underlying charge;

41 (B) The defendant is arrested and held by law enforcement in this state or another state  
 42 on the bench warrant issued under ORS 135.280 (2) or (3) in connection with the defendant's  
 43 nonappearance;

44 (C) The defendant is surrendered into the custody of law enforcement in the county in  
 45 which the underlying charge is pending;

1 (D) The defendant dies; or

2 (E) The defendant is deported by the United States; or

3 (b) Within the time set forth in subsection (1)(b) of this section, the clerk of the court  
4 fails to provide notice of the order of forfeiture to the bail agent and surety insurer.

5 (3) If, within 60 days after entry of an order of forfeiture, the court does not set aside  
6 the forfeiture and there is no motion pending requesting that the forfeiture be set aside, the  
7 court shall enter judgment upon the bail bond against the surety insurer.

8 (4) If the court sets aside an order of forfeiture under subsection (2)(a)(A) of this section,  
9 the court may, with the consent of the surety insurer that posted the bail bond on which the  
10 defendant was released, reinstate the bail bond and release the defendant.

11 **SECTION 10.** (1)(a) When judgment is entered in favor of the state or a political subdivi-  
12 sion of the state on any security given for a release under ORS 135.265, the judgment may  
13 be enforced as a judgment in a civil action. If entered in circuit court, the judgment shall  
14 be entered in the register and the clerk of the court shall note in the register that the  
15 judgment creates a judgment lien. The district attorney, county counsel or city attorney may  
16 have execution issued on the judgment and deliver same to the sheriff to be executed by levy  
17 on the deposit or security amount made in accordance with ORS 135.265, or may collect the  
18 judgment as otherwise provided by law.

19 (b) The proceeds of any execution or collection shall be used to satisfy the judgment and  
20 costs and:

21 (A) If the offense was defined by an ordinance of a political subdivision of this state, paid  
22 into the treasury of the municipal corporation in which the security was taken;

23 (B) If the offense was defined by a statute of this state and the judgment was entered  
24 by a justice court, paid into the treasury of the county in which the security was taken; or

25 (C) If the offense was defined by a statute of this state and the judgment was entered  
26 by a circuit court, paid over as directed by the State Court Administrator for deposit in the  
27 Criminal Fine Account created under ORS 137.300.

28 (2) When a judgment of forfeiture is entered under section 8 of this 2013 Act, the deposit  
29 or security amount with the clerk is, by virtue of the judgment alone and without requiring  
30 further execution, forfeited to and may be kept by the state or its appropriate political sub-  
31 division. Except as provided in section 8 (2) of this 2013 Act, the clerk shall reduce, by the  
32 value of the deposit so forfeited, the debt remaining on the judgment and shall cause the  
33 amount on deposit to be transferred to the revenue account of the state or political subdivi-  
34 sion of the state entitled to receive the proceeds of execution under this section.

35 (3)(a) Stocks, bonds, personal property and real property deposited under ORS 135.265  
36 (3)(a)(A) and subject to forfeiture under section 8 of this 2013 Act shall be sold in the same  
37 manner as in execution sales in civil actions and the proceeds of the sale shall be used to  
38 satisfy all court costs, prior encumbrances, if any, and from the balance a sufficient amount  
39 to satisfy the judgment shall be:

40 (A) If the offense was defined by an ordinance of a political subdivision of this state, paid  
41 into the treasury of the municipal corporation in which the security was taken;

42 (B) If the offense was defined by a statute of this state and the judgment was entered  
43 by a justice court, paid into the treasury of the county in which the security was taken; or

44 (C) If the offense was defined by a statute of this state and the judgment was entered  
45 by a circuit court, deposited in the General Fund available for general governmental ex-



1 **penses.**

2 **(b) The balance of the proceeds of a sale conducted under this subsection shall be re-**  
 3 **turned to the owner.**

4 **(c) Real property sold under this subsection may be redeemed in the same manner as**  
 5 **after judicial or execution sales in civil actions.**

6 **(4)(a) If the judgment entered under subsection (1) of this section is on a bail bond, the**  
 7 **clerk shall mail notice of the judgment to the bail agent and the surety insurer that posted**  
 8 **the bail bond.**

9 **(b) Amounts received from a judgment of forfeiture on a bail bond shall be deposited in**  
 10 **the Judicial Department Operating Account established under ORS 1.009.**

11 **(5) If the bail agent or the surety insurer does not make full payment on the judgment**  
 12 **within 30 days after mailing of the notice required under subsection (4) of this section, the**  
 13 **court shall:**

14 **(a) Issue an order directing that further bail bonds may not be accepted from the bail**  
 15 **agent or the surety insurer within the jurisdiction of the court until the judgment is paid in**  
 16 **full; and**

17 **(b) Notify the Department of Consumer and Business Services that the bail agent and the**  
 18 **surety insurer have not made full payment on the judgment.**

19 **(6) This section does not apply to presumptive fine amounts deposited upon appearance**  
 20 **under ORS 153.061.**

21 **SECTION 11.** ORS 133.450 is amended to read:

22 133.450. (1) If the defendant is arrested in the county in which the warrant issued, the defendant  
 23 shall be taken before the magistrate who issued the warrant, or, if the magistrate is absent or un-  
 24 able to act, before the nearest or most accessible magistrate in the same county; but if the defendant  
 25 is arrested in another county and the crime charged in the warrant is a misdemeanor, the officer  
 26 shall, upon being required by the defendant, take the defendant before a magistrate of that county,  
 27 who shall make a release decision as provided in ORS 135.230 to 135.290. The officer shall at the  
 28 same time deliver to the magistrate the warrant with the return of the officer indorsed and sub-  
 29 scribed by the officer.

30 (2) After making the release decision, the magistrate shall certify that fact on the warrant and  
 31 return the warrant and release agreement, [or] security release **or terms of bail** to the officer  
 32 having charge of the defendant. The officer shall then discharge the defendant from arrest and  
 33 without delay deliver the warrant and release agreement, [or] security release **or terms of bail** to  
 34 the clerk of the court in the other county at which the defendant is required to appear.

35 (3) If the defendant is to be released and does not agree to the release agreement, or a security  
 36 deposit is not forthwith given **or bail is not forthwith posted**, the officer shall take the defendant  
 37 before the magistrate who issued the warrant or some other magistrate in that county, as provided  
 38 in this section, together with the warrant.

39 **SECTION 12.** ORS 135.060 is amended to read:

40 135.060. (1) When the defendant is arraigned, the defendant shall be informed that:

41 (a) If the name by which the defendant is charged in the accusatory instrument is not the true  
 42 name of the defendant the defendant must then declare the true name; and

43 (b) If the defendant does not declare the true name as required by paragraph (a) of this sub-  
 44 section, the defendant is ineligible for any form of release other than a security release **or bail** un-  
 45 der ORS 135.265.

1 (2) The defendant or the attorney for the defendant may acknowledge the true name of the de-  
 2 fendant at arraignment and the acknowledgment may not be used against the defendant at trial on  
 3 the underlying charge or any other criminal charge or fugitive complaint except that:

4 (a) The use of different names can be used in determining the defendant's release status if the  
 5 defendant has used different names in different proceedings; and

6 (b) A defendant who intentionally falsifies the defendant's name under this section or ORS  
 7 135.065 while under oath or affirmation is subject to prosecution under ORS 162.065.

8 (3) As used in this section and ORS 135.065, "true name" means:

9 (a) The name on the defendant's birth certificate;

10 (b) The defendant's birth name; or

11 (c) If the defendant's name has been changed by court order or by operation of law, the name  
 12 as changed by court order or operation of law.

13 **SECTION 13.** ORS 135.067 is amended to read:

14 135.067. If a defendant, on or after August 12, 2003, fails to provide the defendant's true name  
 15 under ORS 135.060 or 135.065 and is on personal recognizance, conditional release, [*or*] security re-  
 16 lease **or bail** having deposited less than the full security amount set by the magistrate, the  
 17 magistrate who released the defendant, upon a motion filed by the district attorney and supported  
 18 by probable cause, shall cause the defendant to be brought before the magistrate. The magistrate  
 19 shall conduct a hearing to establish release according to ORS 135.245.

20 **SECTION 14.** ORS 33.075 is amended to read:

21 33.075. (1) If a person served with an order to appear under ORS 33.055 fails to appear at the  
 22 time and place specified in the order, the court may issue any order or warrant necessary to compel  
 23 the appearance of the defendant.

24 (2) A person against whom a complaint has been issued under ORS 33.065 may be cited to ap-  
 25 pear in lieu of custody as provided in ORS 133.055. If the person fails to appear at the time and  
 26 place specified in the citation, the court may issue any order or warrant necessary to compel the  
 27 appearance of the defendant.

28 (3) When the court issues a warrant for contempt, the court shall specify a security amount.  
 29 Unless the defendant pays the security amount **or posts bail** upon arrest, the sheriff shall keep the  
 30 defendant in custody until either a release decision is made by the court or until disposition of the  
 31 contempt proceedings.

32 (4) The defendant shall be discharged from the arrest upon executing and delivering to the  
 33 sheriff, at any time before the return day of the warrant, a security release, [*or a*] release agreement  
 34 **or bail bond** as provided in ORS 135.230 to 135.290, to the effect that the defendant will appear on  
 35 the return day and abide by the order or judgment of the court or officer or pay, as [*may be*] di-  
 36 rected, the sum, **or post the bail**, specified in the warrant.

37 (5) The sheriff shall return the warrant and the security deposit **or bail bond**, if any, given to  
 38 the sheriff by the defendant by the return day specified in the warrant.

39 (6) When a warrant for contempt issued under subsection (2) of this section has been returned  
 40 after having been served and the defendant does not appear on the return day, the court may [*do*  
 41 *either or both of the following*] **issue another warrant and, or as an alternative:**

42 [(a) *Issue another warrant.*]

43 [(b)] (a) Proceed against the security deposited upon the arrest; **or**

44 (b) **Order forfeiture of the bail under section 9 of this 2013 Act.**

45 (7) If the court proceeds against the security under subsection (6) of this section and the sum

1 specified is recovered, the court may award to any party to the action any or all of the money re-  
2 covered as remedial damages.

3 **SECTION 15.** ORS 40.015 is amended to read:

4 40.015. (1) The Oregon Evidence Code applies to all courts in this state except for:

5 (a) A hearing or mediation before a magistrate of the Oregon Tax Court as provided by ORS  
6 305.501;

7 (b) The small claims department of a circuit court as provided by ORS 46.415; and

8 (c) The small claims department of a justice court as provided by ORS 55.080.

9 (2) The Oregon Evidence Code applies generally to civil actions, suits and proceedings, criminal  
10 actions and proceedings and to contempt proceedings except those in which the court may act  
11 summarily.

12 (3) ORS 40.225 to 40.295 relating to privileges apply at all stages of all actions, suits and pro-  
13 ceedings.

14 (4) ORS 40.010 to 40.210 and 40.310 to 40.585 do not apply in the following situations:

15 (a) The determination of questions of fact preliminary to admissibility of evidence when the issue  
16 is to be determined by the court under ORS 40.030.

17 (b) Proceedings before grand juries, except as required by ORS 132.320.

18 (c) Proceedings for extradition, except as required by ORS 133.743 to 133.857.

19 (d) Sentencing proceedings, except proceedings under ORS 138.012 and 163.150, as required by  
20 ORS 137.090 or proceedings under ORS 136.765 to 136.785.

21 (e) Proceedings to revoke probation, except as required by ORS 137.090.

22 (f) Issuance of warrants of arrest, bench warrants or search warrants.

23 (g) Proceedings under ORS chapter 135 relating to conditional release, security release, **bail**,  
24 release on personal recognizance, or preliminary hearings, subject to ORS 135.173.

25 (h) Proceedings to determine proper disposition of a child in accordance with ORS 419B.325 (2)  
26 and 419C.400 (4).

27 (i) Proceedings under ORS 813.210, 813.215, 813.220, 813.230, 813.250 and 813.255 to determine  
28 whether a driving while under the influence of intoxicants diversion agreement should be allowed  
29 or terminated.

30 (j) Proceedings under ORS 147.530 relating to victims' rights, except for the provisions of ORS  
31 40.105 and 40.115.

32 **SECTION 16.** ORS 51.120 is amended to read:

33 51.120. (1) The docket of a justice of the peace is a record in which the justice of the peace must  
34 enter:

35 (a) The title of every action or proceeding commenced in the court of the justice of the peace  
36 or before the justice of the peace, with the names of the parties thereto and the time of the com-  
37 mencement thereof.

38 (b) The date of making or filing any pleading.

39 (c) An order allowing a provisional remedy, and the date of issuing and returning the summons  
40 or other process.

41 (d) The time when the parties or either of them appears, or their failure to do so.

42 (e) Every postponement of a trial or proceeding, and upon whose application, and to what time.

43 (f) The demand for a jury, if any, and by whom made; the order for a jury, and the time ap-  
44 pointed for trial.

45 (g) The return of an order for a jury, the names of the persons impaneled and sworn as a jury,

1 and the names of all witnesses sworn, and at whose request.

2 (h) The verdict of the jury, and when given; and if the jury disagree and are discharged without  
3 giving a verdict, a statement of such disagreement and discharge.

4 (i) The judgment of the court, and when given.

5 (j) The date on which any judgment is docketed in the docket.

6 (k) The fact of an appeal having been made and allowed, and the date thereof, with a memo-  
7 randum of the undertaking, and the justification of the sureties.

8 (L) Satisfaction of the judgment or any part thereof.

9 (m) A memorandum of all orders relating to security release **or bail**.

10 (n) All other matters which may be material or specially required by any statute.

11 (2) The docket of a justice court may be maintained in electronic form.

12 **SECTION 17.** ORS 131.405 is amended to read:

13 131.405. (1) When the court has ordered a change of place of trial, if the defendant has been  
14 released on security release, **bail**, conditional release or recognizance, the defendant must, without  
15 further notice, appear at the time and place appointed for trial and not depart therefrom without  
16 permission of the court.

17 (2) A security deposit **or bail bond** is sufficient therefor in all respects as if the action had  
18 proceeded to final determination in the court where it was commenced.

19 **SECTION 18.** ORS 131.890 is amended to read:

20 131.890. (1) Any person providing information leading to the apprehension of a person for whom  
21 a reward has been offered under ORS 131.885 is entitled to and shall be paid the reward offered  
22 under ORS 131.885 or a proportionate share thereof if more than one claimant is entitled.

23 (2) No public money may be used to pay a reward to a bounty hunter under this section. As used  
24 in this subsection, "bounty hunter" means a private person who is in the business of apprehending  
25 persons who have forfeited security or broken the terms of a security release **or bail**, fled from  
26 justice or escaped from confinement.

27 **SECTION 19.** ORS 133.753 is amended to read:

28 133.753. No demand for the extradition of a person charged with crime in another state shall  
29 be recognized by the Governor unless in writing and accompanied by a copy of an indictment found  
30 or by an information supported by affidavit in the state having jurisdiction of the crime, or by a  
31 copy of an affidavit made before a magistrate there, together with a copy of any warrant which was  
32 issued thereupon; or by a copy of a judgment of conviction or of a sentence imposed in execution  
33 thereof, together with a statement by the executive authority of the demanding state that the person  
34 claimed has escaped from confinement or has broken the terms of security release, **bail**, probation  
35 or parole. The indictment, information, or affidavit made before the magistrate must substantially  
36 charge the person demanded with having committed a crime under the law of that state; and the  
37 copy of indictment, information, affidavit, judgment of conviction or sentence must be authenticated  
38 by the executive authority making the demand.

39 **SECTION 20.** ORS 133.803 is amended to read:

40 133.803. Whenever any person within this state shall be charged on the oath of any credible  
41 person before any judge or other magistrate of this state with the commission of a crime in any  
42 other state and, except in cases arising under ORS 133.767, with having fled from justice, or with  
43 having been convicted of a crime in that state and having escaped from confinement, or having  
44 broken the terms of security release, **bail**, probation or parole, or whenever complaint shall have  
45 been made before any judge or other magistrate in this state setting forth on the affidavit of any

1 creditable person in another state that a crime has been committed in such other state and that the  
 2 accused has been charged in such state with the commission of the crime, and, except in cases  
 3 arising under ORS 133.767, has fled therefrom or has been convicted of a crime in that state and  
 4 escaped from confinement, or has broken the terms of security release, **bail**, probation or parole, and  
 5 is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace  
 6 officer commanding the peace officer to apprehend the person named therein, wherever the person  
 7 may be found in this state, and bring the person before the same or any other judge, court or  
 8 magistrate who may be convenient of access to the place where the arrest may be made, to answer  
 9 the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and  
 10 affidavit upon which the warrant is issued shall be attached to the warrant.

11 **SECTION 21.** ORS 133.827 is amended to read:

12 133.827. Whenever the Governor of this state shall demand a person charged with crime or with  
 13 escaping from confinement or breaking the terms of security release, **bail**, probation or parole in  
 14 this state from the chief executive of any other state, or from the Chief Justice or an Associate  
 15 Justice of the Supreme Court of the District of Columbia authorized to receive such demand under  
 16 the laws of the United States, the Governor shall issue a warrant under the seal of this state to  
 17 some agent or agents, commanding the agent to receive the person so charged if delivered to the  
 18 agent and convey the person to the proper officer of the county in this state in which the offense  
 19 was committed.

20 **SECTION 22.** ORS 133.843 is amended to read:

21 133.843. (1) Any person arrested in this state charged with having committed any crime in an-  
 22 other state or alleged to have escaped from confinement, or broken the terms of security release,  
 23 **bail**, probation or parole may waive the issuance and service of the warrant provided for in ORS  
 24 133.773 and 133.777 and all other procedure incidental to extradition proceedings, by executing or  
 25 subscribing in the presence of a judge of any court of record within this state a writing which states  
 26 that the person consents to return to the demanding state; provided, however, that before such  
 27 waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform  
 28 such person of rights to the issuance and service of a warrant of extradition and to apply for a writ  
 29 of habeas corpus as provided for in ORS 133.787.

30 (2)(a) If and when such consent has been duly executed it shall forthwith be forwarded to the  
 31 office of the Governor of this state and filed therein. The judge shall direct the officer having such  
 32 person in custody to deliver forthwith such person to the duly accredited agent or agents of the  
 33 demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such  
 34 consent.

35 (b) Nothing in this section shall be deemed to limit the right of the accused person to submit  
 36 voluntarily to the custody of such agent or agents for return without formality to the demanding  
 37 state.

38 (c) The waiver procedure described in this section is not an exclusive procedure, nor does it  
 39 limit the powers, rights or duties of the officers of the demanding state or of this state.

40 (3) Notwithstanding subsection (1) of this section, a law enforcement or corrections agency in  
 41 this state holding a person who is alleged to have broken the terms of the person's security release,  
 42 **bail**, probation, parole or any other release in the demanding state may deliver the person to the  
 43 duly accredited agent of the demanding state without the requirement of a warrant if:

44 (a) The person has signed a prior waiver of extradition as a term of the person's current secu-  
 45 rity release, **bail**, probation, parole or other release in the demanding state; and

1 (b) The law enforcement or corrections agency holding the person has received an authenticated  
 2 copy of the prior waiver of extradition signed by the person and photographs, fingerprints or other  
 3 evidence properly identifying the person as the person who signed the waiver.

4 **SECTION 23.** ORS 138.250 is amended to read:

5 138.250. When a new trial is ordered, it shall be directed to be had in the court below; and if  
 6 a judgment against a defendant is reversed without ordering a new trial, the appellate court shall  
 7 direct, if the defendant is in custody, that the defendant be discharged therefrom, or if the defendant  
 8 has been released, that the release agreement be exonerated, or if a security release has been en-  
 9 tered into **or the defendant has posted bail**, that the security **or bail** be refunded to the defendant  
 10 or the sureties **or bail agents** of the defendant.

11 **SECTION 24.** ORS 138.650 is amended to read:

12 138.650. (1) Either the petitioner or the defendant may appeal to the Court of Appeals within  
 13 30 days after the entry of a judgment on a petition pursuant to ORS 138.510 to 138.680. The manner  
 14 of taking the appeal and the scope of review by the Court of Appeals and the Supreme Court shall  
 15 be the same as that provided by law for appeals in criminal actions, except that:

16 (a) The trial court may provide that the transcript contain only such evidence as may be mate-  
 17 rial to the decision of the appeal; and

18 (b) With respect to ORS 138.081 (1), if petitioner appeals, petitioner shall cause the notice of  
 19 appeal to be served on the attorney for defendant, and, if defendant appeals, defendant shall cause  
 20 the notice of appeal to be served on the attorney for petitioner or, if petitioner has no attorney of  
 21 record, on petitioner.

22 (2)(a) Upon motion of the petitioner, the Court of Appeals shall grant the petitioner leave to file  
 23 a notice of appeal after the time limit described in subsection (1) of this section if:

24 (A) The petitioner, by clear and convincing evidence, shows that the failure to file a timely no-  
 25 tice of appeal is not attributable to the petitioner personally; and

26 (B) The petitioner shows a colorable claim of error in the proceeding from which the appeal is  
 27 taken.

28 (b) The request for leave to file a notice of appeal after the time limit described in subsection  
 29 (1) of this section shall be filed no later than 90 days after entry of the judgment from which the  
 30 petitioner seeks to appeal and shall be accompanied by the notice of appeal sought to be filed. A  
 31 request for leave under this subsection may be filed by mail. The date of filing shall be the date of  
 32 mailing if the request is mailed as provided in ORS 19.260.

33 (c) The Court of Appeals may not grant relief under this subsection unless the defendant has  
 34 received notice of and an opportunity to respond to the petitioner's request for relief.

35 (3) An appeal under this section taken by the defendant stays the effect of the judgment. If the  
 36 petitioner is incarcerated, the trial court may stay the petitioner's sentence pending the defendant's  
 37 appeal and order conditional release, [or] security release **or bail**, in accordance with ORS 135.230  
 38 to 135.290, only if:

39 (a) The post-conviction court's judgment vacates the judgment of conviction or reduces the  
 40 sentence or sentences imposed upon conviction;

41 (b) The petitioner has completed any other sentence of incarceration to which the petitioner is  
 42 subject; and

43 (c) The petitioner otherwise would be entitled to immediate release from incarceration under the  
 44 court's judgment.

45 **SECTION 25.** ORS 157.050 is amended to read:

1 157.050. An allowance of an appeal does not stay the proceedings on the judgment unless the  
2 defendant:

3 (1) Makes a release agreement or a security release deposit **or posts bail** as provided in ORS  
4 135.230 to 135.290; or

5 (2) Gives the security required by ORS 810.300 to 810.330 as an undertaking on appeal.

6 **SECTION 26.** ORS 162.195 is amended to read:

7 162.195. (1) A person commits the crime of failure to appear in the second degree if the person  
8 knowingly fails to appear as required after:

9 (a) Having by court order been released from custody or a correctional facility under a release  
10 agreement, [or] security release **or bail** upon the condition that the person will subsequently appear  
11 personally in connection with a charge against the person of having committed a misdemeanor; or

12 (b) Having been released from a correctional facility subject to a forced release agreement under  
13 ORS 169.046 in connection with a charge against the person of having committed a misdemeanor.

14 (2) Failure to appear in the second degree is a Class A misdemeanor.

15 **SECTION 27.** ORS 162.205 is amended to read:

16 162.205. (1) A person commits the crime of failure to appear in the first degree if the person  
17 knowingly fails to appear as required after:

18 (a) Having by court order been released from custody or a correctional facility under a release  
19 agreement, [or] security release **or bail** upon the condition that the person will subsequently appear  
20 personally in connection with a charge against the person of having committed a felony; or

21 (b) Having been released from a correctional facility subject to a forced release agreement under  
22 ORS 169.046 in connection with a charge against the person of having committed a felony.

23 (2) Failure to appear in the first degree is a Class C felony.

24 **SECTION 28.** ORS 169.340 is amended to read:

25 169.340. (1) A sheriff who suffers the escape of a prisoner, arrested or in a local correctional  
26 facility, without the consent or connivance of the party on whose behalf the arrest or imprisonment  
27 was made, is liable to an action by such party, as follows:

28 (a) When the arrest is upon an order of arrest in a civil action, suit or proceeding; when the  
29 presence of the defendant at the return of the summons is necessary to enable the plaintiff to pro-  
30 ceed therein, and the defendant does not appear at the time and place specified in the summons.

31 (b) When the arrest or imprisonment is upon an order of arrest in any other civil action, suit  
32 or proceeding, or upon a surrender in exoneration of the sheriff, [or] security release **or bail**, and  
33 the defendant is not found upon an execution against the person of the defendant issued to the  
34 proper county on a judgment in such action, suit[,] or proceeding.

35 (c) When the arrest is on an execution or commitment to enforce the payment of money, and the  
36 party interested is not recaptured or surrendered into custody at the expiration of the time limited  
37 for the service thereof, or legally discharged therefrom.

38 (d) When a person is imprisoned on an execution or commitment to enforce the payment of  
39 money, and the person escapes after the time limited for the service, and is not recaptured or sur-  
40 rendered before an action is commenced for the escape.

41 (2) The measure of damages in an action brought under subsection (1) of this section[,] is as  
42 follows:

43 (a) For the escape mentioned in subsection (1)(a) of this section, the actual damages sustained.

44 (b) In any other case, the amount expressed in the execution or commitment.

45 **SECTION 29.** ORS 221.352 is amended to read:

1 221.352. (1) A municipal court of this state that registers under ORS 221.344 must maintain a  
 2 docket. A municipal judge must enter the following information in the docket for the municipal  
 3 court:

4 (a) The title of every action or proceeding commenced in the court, with the names of the par-  
 5 ties thereto and the time of commencement thereof.

6 (b) The date of making or filing any pleading.

7 (c) An order allowing a provisional remedy, and the date of issuing and returning the summons  
 8 or other process.

9 (d) The time when each party appears, or a party's failure to do so.

10 (e) Every postponement of a trial or proceeding, upon whose application and to what time.

11 (f) The demand for a jury, if any, and by whom made.

12 (g) The order for a jury and the time appointed for trial.

13 (h) The return of an order for a jury, the names of the persons impaneled and sworn as a jury  
 14 and the names of all witnesses sworn and at whose request.

15 (i) The verdict of the jury and when given or, if the jury disagrees and is discharged without  
 16 giving a verdict, a statement of such disagreement and discharge.

17 (j) The judgment of the court and when given.

18 (k) The date on which any judgment is docketed in the docket.

19 (L) The fact of an appeal having been made and allowed, and the date thereof, with a memo-  
 20 randum of the undertaking, and the justification of the sureties.

21 (m) Satisfaction of the judgment or any part thereof.

22 (n) A memorandum of all orders relating to security release **or bail**.

23 (o) All other matters that may be material or specially required by any statute.

24 (2) The docket of a municipal court under this section may be maintained in electronic form.

25 **SECTION 30.** ORS 802.530 is amended to read:

26 802.530. The Department of Transportation is authorized to enter into bilateral or multilateral  
 27 reciprocal agreements with other jurisdictions to provide mutual assistance in the disposition of  
 28 traffic offenses committed by residents of one jurisdiction while in another jurisdiction. Agreements  
 29 authorized by this section are subject to the following:

30 (1) An agreement may provide for the sharing of information between and among jurisdictions  
 31 concerning driving records, vehicle registration records and records concerning the granting, denial,  
 32 revocation or suspension of driving privileges.

33 (2) An agreement may provide that a jurisdiction will suspend the driving privileges of a resi-  
 34 dent of the jurisdiction if the resident does not comply with the requirements and responsibilities  
 35 created by citation for or conviction of a traffic offense in another jurisdiction.

36 (3) An agreement may provide that a jurisdiction will refuse to issue or renew a driver license  
 37 or permit or to issue a duplicate or replacement license or permit for a resident of the jurisdiction  
 38 if the resident does not comply with the requirements and responsibilities created by citation for  
 39 or conviction of a traffic offense in another jurisdiction.

40 (4) An agreement may be limited to certain traffic offenses.

41 (5) An agreement may provide for the establishment of fees for and collection of fees from per-  
 42 sons cited for traffic offenses or convicted of traffic offenses who are subject to the terms of the  
 43 agreement. Any agency of this state that participates in a program established by an agreement  
 44 authorized by this section is granted authority to establish fees for and collect fees from persons  
 45 subject to an agreement. Fees established for purposes of this subsection must be established by



1 rule. No fee established for purposes of this subsection may exceed an amount necessary to recover  
 2 the actual cost incurred by participation in the program established by the agreement.

3 (6) An agreement may provide that residents of one jurisdiction who are issued citations for  
 4 traffic offenses in another jurisdiction will be released on recognizance without requirement of se-  
 5 curity deposit or bail. Nothing in this subsection authorizes an agreement that prohibits a court  
 6 from releasing **a person charged with a traffic crime** on security release[, *as defined in ORS*  
 7 *135.230, a person charged with a traffic crime*] **or bail pursuant to ORS 135.230 to 135.290.**

8 (7) An agreement may provide that one jurisdiction will act as agent for another jurisdiction in  
 9 the disposition of traffic offenses committed in the other jurisdiction. No provision described under  
 10 this subsection may be established that requires the participation of courts of this state unless the  
 11 Oregon Supreme Court establishes rules under ORS 1.002 to provide procedures for court partic-  
 12 ipation.

13 (8) No agreement may be established under this section to provide for assistance in dealing with:

- 14 (a) Offenses other than traffic offenses.
- 15 (b) Parking offenses.
- 16 (c) Bicycle offenses.
- 17 (d) Pedestrian offenses.

18 (9) Any agreement established under this section must provide that this state may withdraw  
 19 from the agreement upon notice of not more than 90 days.

20 (10) An agreement may include any other provision that the department determines will assist  
 21 in the disposition of traffic offenses committed by residents of one jurisdiction while in another ju-  
 22 risdiction or will increase the convenience for residents of this state in complying with requirements  
 23 and responsibilities created by citation for or conviction of a traffic offense in another jurisdiction.

24 (11) The department may adopt rules necessary to implement any agreement established under  
 25 this section.

26 (12) The department must submit a report on any agreement proposed under this section to the  
 27 presiding officers of each house of the Oregon Legislative Assembly at least 30 days before the  
 28 agreement may take effect. An agreement described under this section cannot take effect in this  
 29 state unless the department complies with this subsection.

30 **SECTION 31.** ORS 731.186 is amended to read:

31 731.186. "Surety insurance" means:

32 (1) Insurance guaranteeing the fidelity of persons holding places of trust, the performance of  
 33 duties, contracts, bonds and undertakings, including the signing thereof as surety[, *and*];

34 (2) Insuring the performance of obligations of employers under workers' compensation laws by  
 35 surety bond; **or**

36 **(3) The underwriting of a bail bond as defined in ORS 135.230.**

37 **SECTION 32.** ORS 744.052 is amended to read:

38 744.052. As used in ORS 744.052 to 744.089:

39 (1) **"Bail agent" has the meaning given that term in ORS 135.230.**

40 (2) **"Bail bond" or "surety bail bond" means a written instrument posted by a bail agent**  
 41 **and underwritten by a surety insurer that serves as security for the pretrial release of a**  
 42 **defendant and that obligates the surety insurer to pay the security amount set by the court**  
 43 **at the time of the defendant's release.**

44 (3) **"Bail recovery agent" has the meaning given that term in ORS 135.230.**

45 [(1)] (4) "Business entity" has the meaning given that term in ORS 731.116.

1 [2] (5) "Home state" means any state, district or territory of the United States, in which an  
 2 insurance producer maintains the insurance producer's principal place of residence or principal  
 3 place of business and is licensed to act as an insurance producer.

4 [3] (6) "Limited class credit insurance" includes but is not limited to credit life, credit disa-  
 5 bility, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage  
 6 guaranty, mortgage disability, and guaranteed automobile protection insurance, and any other form  
 7 of insurance offered in connection with an extension of credit that is limited to partially or wholly  
 8 extinguishing the credit obligation that the Director of the Department of Consumer and Business  
 9 Services determines should be designated a form of limited class credit insurance.

10 [4] (7) "Limited class credit insurance producer" means a person required to be licensed to  
 11 sell, solicit or negotiate one or more forms of limited class credit insurance coverage to individuals  
 12 through a master, corporate, group or individual policy.

13 [5] (8) "Limited class insurance" includes but is not limited to credit, mortgage, automobile  
 14 dealer guaranteed automobile protection, **surety bail bonds** and any other form of insurance des-  
 15 ignated by the director as a form of limited class insurance.

16 [6] (9) "Limited class insurance producer" means a person required to be licensed to sell, so-  
 17 licit or negotiate one or more forms of limited class insurance coverage to individuals through a  
 18 master, corporate, group or individual policy.

19 [7] (10) "Negotiate," "sell" and "solicit" have the meanings given those terms in ORS 731.104.

20 [8] (11) "Terminate" means to cancel the relationship between an insurance producer and the  
 21 insurer or to revoke an insurance producer's authority to sell, solicit or negotiate insurance.

22 [9] (12) "Uniform Application" means the current version of the Uniform Application for resi-  
 23 dent and nonresident insurance producer licensing, produced by the National Association of Insur-  
 24 ance Commissioners.

25 [(10)] (13) "Uniform Business Entity Application" means the current version of the Uniform  
 26 Business Entity Application for resident and nonresident business entities, produced by the National  
 27 Association of Insurance Commissioners.

28 **SECTION 33. Sections 34 to 40 of this 2013 Act are added to and made a part of ORS**  
 29 **744.052 to 744.089.**

30 **SECTION 34. The Department of Consumer and Business Services shall issue a limited**  
 31 **class license as a bail agent to an individual who:**

32 (1) **Complies with the training requirements under sections 36 and 37 of this 2013 Act;**

33 (2) **Completes the insurance producer licensing requirements under ORS 744.052 to**  
 34 **744.089;**

35 (3) **Shows that the individual has no conflict of interest in acting as a bail agent;**

36 (4) **Submits the applicable fees established by rule by the Director of the Department of**  
 37 **Consumer and Business Services; and**

38 (5) **Files the bond or makes the deposit required under section 38 of this 2013 Act.**

39 **SECTION 35. (1) An application for a license issued under section 34 of this 2013 Act must**  
 40 **be filed with the Department of Consumer and Business Services in the manner specified by**  
 41 **the department. The department may require any information and documentation that rea-**  
 42 **sonably relates to the applicant's fitness to hold a license.**

43 (2) **The department may request a criminal records check under ORS 181.534 of an ap-**  
 44 **plicant for issuance or renewal of a limited class license as a bail agent.**

45 **SECTION 36. (1) An individual may not sell, solicit or negotiate bail bonds unless the in-**

1 **dividual is licensed as a bail agent under section 34 of this 2013 Act and completes:**

2 **(a) A one-time training course of not less than eight hours before the individual first**  
3 **sells, solicits or negotiates any bail bonds; and**

4 **(b) Ongoing training of not less than 16 hours in each 24-month period following com-**  
5 **pletion of the course described in paragraph (a) of this subsection.**

6 **(2) The training required under this section:**

7 **(a) Must consist of topics related to bail bonds, the criminal justice system and bail bonds**  
8 **programs of this state.**

9 **(b) May not include training that is specific to an insurer or company product or that**  
10 **includes any sales or marketing information, materials or training, unless the training is**  
11 **required under state or federal law.**

12 **(3) A surety insurer must:**

13 **(a) Obtain verification that a bail agent completes the training required under subsection**  
14 **(1) of this section before the bail agent sells, solicits or negotiates the surety insurer's bail**  
15 **bond products.**

16 **(b) Maintain records subject to the record retention requirements of this state.**

17 **(c) Make the verification obtained under paragraph (a) of this subsection available to the**  
18 **Director of the Department of Consumer and Business Services upon request.**

19 **SECTION 37. (1) The Department of Consumer and Business Services may adopt rules**  
20 **necessary to implement the provisions of ORS 744.052 to 744.089 pertaining to bail agents,**  
21 **including training and testing requirements. Rules adopted pursuant to this section:**

22 **(a) Must include not less than eight hours of classes before licensure under section 34**  
23 **of this 2013 Act.**

24 **(b) May include continuing education requirements.**

25 **(c) Must include a schedule of fees payable by bail agents.**

26 **(2) The fees adopted under this section must be sufficient to cover the department's costs**  
27 **of licensing, investigating and examining bail agents and applicants for bail agent licenses**  
28 **and of enforcing the provisions of ORS 744.052 to 744.089 pertaining to the bail agent regu-**  
29 **latory program.**

30 **SECTION 38. (1) The Department of Consumer and Business Services may not issue a**  
31 **license under section 34 of this 2013 Act unless the applicant:**

32 **(a) Files with the department a bond, executed by a surety insurer authorized to do**  
33 **business in this state, in the sum of \$25,000 made payable to the State of Oregon and condi-**  
34 **tioned to recover against the bail agent by reason of any violation of ORS 744.052 to 744.089;**  
35 **or**

36 **(b) Deposits \$25,000 in a federally insured interest-bearing account.**

37 **(2)(a) A person injured by a bail agent may bring an action on the bond or account re-**  
38 **quired under subsection (1) of this section in any county in which jurisdiction over the bail**  
39 **agent may be obtained.**

40 **(b) An action under this section may be brought no later than two years after the person**  
41 **first knew or reasonably should have known of the injury.**

42 **(c) If valid claims against the bond or account exceed the amount of the bond or account,**  
43 **the claims of all persons shall be paid pro rata.**

44 **(3) The Director of the Department of Consumer and Business Services shall immediately**  
45 **suspend the license of a bail agent who fails to maintain a bond or account pursuant to this**

1 section.

2 **SECTION 39.** (1) In addition to the requirements to maintain a trust account under ORS  
3 744.083, a bail agent shall:

4 (a) Maintain a trust account in a federally insured trust account.

5 (b) Within 10 business days after receipt of written notice that a court has exonerated  
6 a bail bond, return to the person on whose behalf bail was posted all collateral or security  
7 on the bail bond, less any amount owed to the bail agent or surety insurer.

8 (2) A bail agent shall maintain records of all collateral and security received, all trust  
9 accounts required by ORS 744.083 and all bail bond transactions handled by the bail agent,  
10 for five years. The records are open to inspection without notice by the Director of the De-  
11 partment of Consumer and Business Services or an authorized representative of the director.

12 (3) A bail agent shall maintain records of contracts with bail recovery agents for the  
13 apprehension of fugitive criminal defendants for three years.

14 **SECTION 40.** (1) A bail agent shall notify the Director of the Department of Consumer  
15 and Business Services within 30 days after the death or termination of employment of any  
16 employee who is a licensed bail agent.

17 (2) A bail agent shall notify the director within 72 hours upon receipt of information af-  
18 fecting the bail agent's eligibility to hold a license.

19 **SECTION 41.** Sections 42 and 43 of this 2013 Act are added to and made a part of ORS  
20 chapter 746.

21 **SECTION 42.** (1) As used in this section:

22 (a) "Bail agent" has the meaning given that term in ORS 135.230.

23 (b) "Bail recovery agent" has the meaning given that term in ORS 135.230.

24 (2) A bail agent or other person may not commit or perform any of the following acts  
25 of unprofessional conduct, which are unfair trade practices:

26 (a) Violating laws governing the conduct of bail agents or rules adopted under section 37  
27 of this 2013 Act.

28 (b) Using the services of a bail agent who is not licensed under section 34 of this 2013  
29 Act.

30 (c) Misrepresenting or knowingly making a material misstatement or omission in an ap-  
31 plication for a license under section 35 of this 2013 Act.

32 (d) Knowingly committing or being a party to any material fraud, misrepresentation,  
33 concealment, conspiracy, collusion, trick, scheme or device whereby another person reason-  
34 ably relies on the word, representation or conduct of the bail agent. This paragraph does not  
35 prevent a bail recovery agent from using a pretext to locate or apprehend, or to gain infor-  
36 mation regarding, a fugitive criminal defendant.

37 (e) Assigning or transferring a license issued under section 34 of this 2013 Act.

38 (f) Converting money or a contract, deed, note, mortgage or other evidence of title, to  
39 the bail agent's own use or to the use of the bail agent's principal or another person, when  
40 delivered in trust or on condition, in violation of the trust or before the occurrence of the  
41 condition. Failing to return money or a contract, deed, note, mortgage or other evidence of  
42 title within 30 days after the owner is entitled to possession and makes demand for pos-  
43 session is prima facie evidence of conversion under this paragraph.

44 (g) Failing to keep records, maintain a trust account or return collateral or security, as  
45 required by law.

1 (h) Any conduct in a bail bond transaction that demonstrates bad faith, dishonesty or  
 2 untrustworthiness.

3 (i) Violating an order to cease and desist that is issued by the Director of the Department  
 4 of Consumer and Business Services under ORS 731.252.

5 (j) Wearing, displaying, holding or using badges not approved by the Department of Con-  
 6 sumer and Business Services.

7 (k) Making any statement that would reasonably cause another person to believe that a  
 8 bail recovery agent is a sworn peace officer.

9 (L) Using within the State of Oregon the services of a person who is not licensed as a  
 10 bail recovery agent.

11 (m) Performing the functions of a bail recovery agent, unless licensed as a bail recovery  
 12 agent.

13 (n) Using a dog in the apprehension of a criminal defendant.

14 (o) Acting or being employed in any manner that presents a conflict of interest in car-  
 15 rying out the person's duties as a bail agent.

16 **SECTION 43.** (1) Any person may submit a written complaint to the Department of  
 17 Consumer and Business Services charging a person or a bail agent or applicant for a limited  
 18 class license as a bail agent with unprofessional conduct as described in section 42 of this  
 19 2013 Act. The complaint must specify the grounds for the charge.

20 (2) If the Director of the Department of Consumer and Business Services determines that  
 21 the complaint merits investigation, or if the director has reason to believe, without a formal  
 22 complaint, that a licensed bail agent or applicant for a license has engaged in unprofessional  
 23 conduct, the director shall investigate to determine if there has been unprofessional conduct.

24 (3) A person who files a complaint under this section in good faith is immune from suit  
 25 in any civil action related to the filing or contents of the complaint.

26 **SECTION 44.** Section 45 of this 2013 Act is added to and made a part of ORS chapter 744.

27 **SECTION 45.** (1) For the purpose of paying the expenses of providing additional training  
 28 pursuant to ORS 181.610 to 181.712 in the relationship between law enforcement and the bail  
 29 industry, every surety insurer engaged in underwriting bail bonds shall pay a tax to the Di-  
 30 rector of the Department of Consumer and Business Services, on or before April 1 of each  
 31 year, equal to one percent of the gross amount of premiums received by the surety insurer  
 32 or the surety insurer's bail agents from executing or countersigning bail bonds in the pre-  
 33 ceding calendar year.

34 (2) If the director, during the period in which the director may collect taxes owing under  
 35 this section, finds the amount of the taxes paid by a surety insurer to be incorrect, the di-  
 36 rector shall charge or credit the surety insurer with the difference between the correct  
 37 amount of tax and the amount actually paid.

38 (3) The director must commence an action for the recovery of taxes payable under this  
 39 section not later than five years after the date the taxes are payable to the director.

40 **SECTION 46.** ORS 731.292 is amended to read:

41 731.292. (1) Except as provided in subsections (2), (3) and (4) of this section, all fees, charges and  
 42 other moneys received by the Department of Consumer and Business Services or the Director of the  
 43 Department of Consumer and Business Services under the Insurance Code shall be deposited in the  
 44 fund created by ORS 705.145 and are continuously appropriated to the department for the payment  
 45 of the expenses of the department in carrying out the Insurance Code.

1 (2)(a) **Except as provided in paragraph (b) of this subsection**, all taxes and penalties paid  
 2 pursuant to the Insurance Code shall be paid to the director and after deductions of refunds shall  
 3 be paid by the director to the State Treasurer, at the end of every calendar month or more often  
 4 in the director's discretion, for deposit in the General Fund to become available for general gov-  
 5 ernmental expenses.

6 (b) **All taxes paid pursuant to section 45 of this 2013 Act shall be paid to the director and**  
 7 **after deductions of refunds shall be paid by the director to the State Treasurer, at the end**  
 8 **of every calendar month or more often in the director's discretion, for deposit in the Police**  
 9 **Standards and Training Account established under ORS 181.690 for the purpose described in**  
 10 **section 45 (1) of this 2013 Act.**

11 (3) All premium taxes received by the director pursuant to ORS 731.820 shall be paid by the  
 12 director to the State Treasurer for deposit in the State Fire Marshal Fund.

13 (4) Assessments received by the department under ORS 743.951 and 743.961 and penalties re-  
 14 ceived by the department under ORS 743.990 and section 10, chapter 867, Oregon Laws 2009, shall  
 15 be paid into the State Treasury and credited to the Health System Fund established in section 1,  
 16 chapter 867, Oregon Laws 2009, after deducting the following amounts:

17 (a) Amounts needed to reimburse the department for expenses in administering ORS 743.951 to  
 18 743.965 and 743.990; and

19 (b) Amounts needed to reimburse the General Fund for reductions in revenue caused by the ef-  
 20 fect of ORS 743.961 on the retaliatory tax imposed under ORS 731.854 and 731.859.

21 **SECTION 47.** ORS 731.036 is amended to read:

22 731.036. Except as provided in ORS 743.061 or as specifically provided by law, the Insurance  
 23 Code does not apply to any of the following to the extent of the subject matter of the exemption:

24 [(1) A bail bondsman, other than a corporate surety and its agents.]

25 [(2)] (1) A fraternal benefit society that has maintained lodges in this state and other states for  
 26 50 years prior to January 1, 1961, and for which a certificate of authority was not required on that  
 27 date.

28 [(3)] (2) A religious organization providing insurance benefits only to its employees, if the or-  
 29 ganization is in existence and exempt from taxation under section 501(c)(3) of the federal Internal  
 30 Revenue Code on September 13, 1975.

31 [(4)] (3) Public bodies, as defined in ORS 30.260, that either individually or jointly establish a  
 32 self-insurance program for tort liability in accordance with ORS 30.282.

33 [(5)] (4) Public bodies, as defined in ORS 30.260, that either individually or jointly establish a  
 34 self-insurance program for property damage in accordance with ORS 30.282.

35 [(6)] (5) Cities, counties, school districts, community college districts, community college service  
 36 districts or districts, as defined in ORS 198.010 and 198.180, that either individually or jointly insure  
 37 for health insurance coverage, excluding disability insurance, their employees or retired employees,  
 38 or their dependents, or students engaged in school activities, or combination of employees and de-  
 39 pendants, with or without employee or student contributions, if all of the following conditions are  
 40 met:

41 (a) The individual or jointly self-insured program meets the following minimum requirements:

42 (A) In the case of a school district, community college district or community college service  
 43 district, the number of covered employees and dependents and retired employees and dependents  
 44 aggregates at least 500 individuals;

45 (B) In the case of an individual public body program other than a school district, community

1 college district or community college service district, the number of covered employees and depen-  
 2 dents and retired employees and dependents aggregates at least 500 individuals; and

3 (C) In the case of a joint program of two or more public bodies, the number of covered em-  
 4 ployees and dependents and retired employees and dependents aggregates at least 1,000 individuals;

5 (b) The individual or jointly self-insured health insurance program includes all coverages and  
 6 benefits required of group health insurance policies under ORS chapters 743 and 743A;

7 (c) The individual or jointly self-insured program must have program documents that define  
 8 program benefits and administration;

9 (d) Enrollees must be provided copies of summary plan descriptions including:

10 (A) Written general information about services provided, access to services, charges and sched-  
 11 uling applicable to each enrollee's coverage;

12 (B) The program's grievance and appeal process; and

13 (C) Other group health plan enrollee rights, disclosure or written procedure requirements es-  
 14 tablished under ORS chapters 743 and 743A;

15 (e) The financial administration of an individual or jointly self-insured program must include the  
 16 following requirements:

17 (A) Program contributions and reserves must be held in separate accounts and used for the ex-  
 18 clusive benefit of the program;

19 (B) The program must maintain adequate reserves. Reserves may be invested in accordance with  
 20 the provisions of ORS chapter 293. Reserve adequacy must be calculated annually with proper  
 21 actuarial calculations including the following:

22 (i) Known claims, paid and outstanding;

23 (ii) A history of incurred but not reported claims;

24 (iii) Claims handling expenses;

25 (iv) Unearned contributions; and

26 (v) A claims trend factor; and

27 (C) The program must maintain adequate reinsurance against the risk of economic loss in ac-  
 28 cordance with the provisions of ORS 742.065 unless the program has received written approval for  
 29 an alternative arrangement for protection against economic loss from the Director of the Depart-  
 30 ment of Consumer and Business Services;

31 (f) The individual or jointly self-insured program must have sufficient personnel to service the  
 32 employee benefit program or must contract with a third party administrator licensed under ORS  
 33 chapter 744 as a third party administrator to provide such services;

34 (g) The individual or jointly self-insured program shall be subject to assessment in accordance  
 35 with ORS 735.614 and former enrollees shall be eligible for portability coverage in accordance with  
 36 ORS 735.616;

37 (h) The public body, or the program administrator in the case of a joint insurance program of  
 38 two or more public bodies, files with the Director of the Department of Consumer and Business  
 39 Services copies of all documents creating and governing the program, all forms used to communicate  
 40 the coverage to beneficiaries, the schedule of payments established to support the program and,  
 41 annually, a financial report showing the total incurred cost of the program for the preceding year.  
 42 A copy of the annual audit required by ORS 297.425 may be used to satisfy the financial report filing  
 43 requirement; and

44 (i) Each public body in a joint insurance program is liable only to its own employees and no  
 45 others for benefits under the program in the event, and to the extent, that no further funds, in-

cluding funds from insurance policies obtained by the pool, are available in the joint insurance pool.

~~[(7)]~~ **(6)** All ambulance services.

~~[(8)]~~ **(7)** A person providing any of the services described in this subsection. The exemption under this subsection does not apply to an authorized insurer providing such services under an insurance policy. This subsection applies to the following services:

(a) Towing service.

(b) Emergency road service, which means adjustment, repair or replacement of the equipment, tires or mechanical parts of a motor vehicle in order to permit the motor vehicle to be operated under its own power.

(c) Transportation and arrangements for the transportation of human remains, including all necessary and appropriate preparations for and actual transportation provided to return a decedent's remains from the decedent's place of death to a location designated by a person with valid legal authority under ORS 97.130.

~~[(9)(a)]~~ **(8)(a)** A person described in this subsection who, in an agreement to lease or to finance the purchase of a motor vehicle, agrees to waive for no additional charge the amount specified in paragraph (b) of this subsection upon total loss of the motor vehicle because of physical damage, theft or other occurrence, as specified in the agreement. The exemption established in this subsection applies to the following persons:

(A) The seller of the motor vehicle, if the sale is made pursuant to a motor vehicle retail installment contract.

(B) The lessor of the motor vehicle.

(C) The lender who finances the purchase of the motor vehicle.

(D) The assignee of a person described in this paragraph.

(b) The amount waived pursuant to the agreement shall be the difference, or portion thereof, between the amount received by the seller, lessor, lender or assignee, as applicable, that represents the actual cash value of the motor vehicle at the date of loss, and the amount owed under the agreement.

~~[(10)]~~ **(9)** A self-insurance program for tort liability or property damage that is established by two or more affordable housing entities and that complies with the same requirements that public bodies must meet under ORS 30.282 (6). As used in this subsection:

(a) "Affordable housing" means housing projects in which some of the dwelling units may be purchased or rented, with or without government assistance, on a basis that is affordable to individuals of low income.

(b) "Affordable housing entity" means any of the following:

(A) A housing authority created under the laws of this state or another jurisdiction and any agency or instrumentality of a housing authority, including but not limited to a legal entity created to conduct a self-insurance program for housing authorities that complies with ORS 30.282 (6).

(B) A nonprofit corporation that is engaged in providing affordable housing.

(C) A partnership or limited liability company that is engaged in providing affordable housing and that is affiliated with a housing authority described in subparagraph (A) of this paragraph or a nonprofit corporation described in subparagraph (B) of this paragraph if the housing authority or nonprofit corporation:

(i) Has, or has the right to acquire, a financial or ownership interest in the partnership or limited liability company;

(ii) Has the power to direct the management or policies of the partnership or limited liability



1 company;

2 (iii) Has entered into a contract to lease, manage or operate the affordable housing owned by  
3 the partnership or limited liability company; or

4 (iv) Has any other material relationship with the partnership or limited liability company.

5 [(11)] (10) A community-based health care initiative approved by the Administrator of the Office  
6 for Oregon Health Policy and Research under ORS 735.723 operating a community-based health care  
7 improvement program approved by the administrator.

8 [(12)] (11) Except as provided in ORS 735.500 and 735.510, a person certified by the Department  
9 of Consumer and Business Services to operate a retainer medical practice.

10 **SECTION 48.** ORS 744.062 is amended to read:

11 744.062. (1) Unless the Director of the Department of Consumer and Business Services refuses  
12 to issue or renew a license pursuant to ORS 744.074, a person who has met the requirements of ORS  
13 744.058 and 744.059, or ORS 744.063, shall be issued an insurance producer license. An insurance  
14 producer may receive qualification for a license in one or more of the following classes of insurance:

15 (a) Life insurance as defined in ORS 731.170.

16 (b) Health insurance as defined in ORS 731.162.

17 (c) Property insurance as defined in ORS 731.182.

18 (d) Casualty insurance as defined in ORS 731.158.

19 (e) Variable life insurance, including variable annuities.

20 (f) Property and casualty insurance coverage sold to individuals and families for primarily non-  
21 commercial purposes.

22 (g) Limited class credit insurance.

23 (h) Any form of insurance designated by the director as a form of limited class insurance.

24 (i) Title insurance as defined in ORS 731.190. A license for the class of title insurance may be  
25 issued only to a resident insurance producer.

26 (j) **Surety bail bonds. A limited class license for a bail agent may be issued only to a**  
27 **resident insurance producer.**

28 [(j)] (k) Any other class of insurance permitted under the Insurance Code or rules adopted  
29 thereunder.

30 (2) For assistance in performance of the director's duties, the director may participate with the  
31 National Association of Insurance Commissioners, or any affiliate or subsidiary that the National  
32 Association of Insurance Commissioners oversees, in a centralized producer licensing registry in  
33 which insurance producer licenses and appointments are centrally or simultaneously effected for all  
34 states that require an insurance producer license. The director may adopt by rule any uniform  
35 standards and procedures as are necessary to participate in the registry, including the centralized  
36 collection of fees for licenses or appointments that are processed through the registry.

37 (3) An insurance producer may apply to amend a license for the purpose of adding or deleting  
38 a class of insurance on the license in the manner prescribed for license application in ORS 744.059  
39 or 744.063, or as otherwise prescribed by the director.

40 **SECTION 49.** ORS 742.350 is amended to read:

41 742.350. (1) Whenever any bond, **bail bond**, undertaking, recognizance[,] or other obligation is  
42 by law or the charter, ordinance, rules or regulations of any municipality, board, body, organization,  
43 court, judge or public officer required or permitted to be made, given, tendered or filed with surety  
44 or sureties, and whenever the performance of any act, duty or obligation[,] or the refraining from  
45 any act is required or permitted to be guaranteed, such bond, **bail bond**, undertaking, obligation,

1 recognizance or guaranty may be executed by an authorized surety insurer.

2 (2) The execution by such an insurer of any such obligation is in all respects a full and complete  
 3 compliance with every requirement that it be executed by one surety, or by one or more sureties,  
 4 or that such sureties be residents or householders, or freeholders, or either or both, or possess any  
 5 other qualification.

6 (3) A surety insurer may be required to justify as surety. It shall be sufficient justification for  
 7 such surety insurer when examined as to its qualifications to exhibit the certificate of authority is-  
 8 sued to it by the Director of the Department of Consumer and Business Services or a certified copy  
 9 thereof.

10 **SECTION 50.** ORS 742.356 is amended to read:

11 742.356. (1) Any surety insurer may contract for and receive and hold on deposit and in trust  
 12 property of any kind as collateral security on any **bail bond**, policy of guaranty or suretyship exe-  
 13 cuted by *[it. The]* **the surety insurer. The surety** insurer may manage, realize on and dispose of  
 14 the property so received and held on deposit as may be agreed to between *[it]* **the surety insurer**  
 15 and the person making the deposit.

16 (2) Any receiver, assignee, guardian, conservator, trustee, executor, administrator or other  
 17 fiduciary or party from whom a policy of guaranty or suretyship is by law required or permitted  
 18 may agree and arrange with the surety insurer for the deposit for safekeeping of any or all moneys,  
 19 assets and other property for which the person is or may be responsible in a bank, savings bank,  
 20 safe deposit or trust company authorized by law to do business as such, in such manner as to pre-  
 21 vent the withdrawal or alienation of such money, assets or other property, or any part thereof,  
 22 without the written consent of the surety insurer or an order of a court of competent jurisdiction  
 23 or a judge thereof made on such notice to the surety insurer as the court or judge may direct.

24 (3) Generally, it shall be lawful for a surety insurer to enter into any contract of indemnity or  
 25 security with any person if such contract is not otherwise prohibited by law or against public policy.

26 **SECTION 51.** ORS 703.430 is amended to read:

27 703.430. (1) The Department of Public Safety Standards and Training shall issue:

28 (a) A private investigator's license if the applicant has satisfied the requirements of ORS 703.415  
 29 and 703.425 and is in compliance with the rules of the Board on Public Safety Standards and  
 30 Training and the department.

31 (b) A provisional investigator's license if the applicant has satisfied the requirements of ORS  
 32 703.415 (1) to (6) and 703.425 and is in compliance with the rules of the board and department. A  
 33 person who has a provisional investigator's license may not employ or supervise other investigators.

34 **(2) A person may not act as a bail recovery agent in this state unless the person is issued**  
 35 **a private investigator's license under this section with an endorsement as a bail recovery**  
 36 **agent issued under this subsection. The board shall adopt rules establishing requirements,**  
 37 **procedures and fees for issuing an endorsement as a bail recovery agent and the scope and**  
 38 **duration of the endorsement. The requirements must include training and continuing edu-**  
 39 **cation in the lawful location and apprehension of fugitive criminal defendants.**

40 ~~[(2)]~~ (3) The department may issue:

41 (a) A temporary investigator's license to a person licensed as an investigator by another juris-  
 42 diction. The board shall adopt rules to carry out this paragraph including, but not limited to, rules  
 43 establishing requirements, procedures and fees for issuing a temporary investigator's license and the  
 44 scope and duration of the license.

45 (b) An interim investigator's license to a person who:

1 (A) Has applied for a private investigator's license or a provisional investigator's license and  
 2 whose application has not been granted or denied;

3 (B) Works only for a private investigator licensed under this section, an attorney or another  
 4 employer who has requested that the person be issued an interim investigator's license;

5 (C) Has never been convicted of, pleaded guilty or no contest to or forfeited security for a crime;  
 6 and

7 (D) Meets all requirements established by the board by rule including, but not limited to, rules  
 8 establishing requirements, procedures and fees for issuing an interim investigator's license and the  
 9 scope and duration of the license.

10 **(4) A person may not be issued an endorsement as a bail recovery agent while the person**  
 11 **holds a temporary investigator's license or an interim investigator's license.**

12 [(3)] (5) A license issued under subsection (1) of this section expires two years following the date  
 13 of issuance or on the assigned renewal date.

14 **SECTION 52.** ORS 181.637 is amended to read:

15 181.637. (1) The Board on Public Safety Standards and Training shall establish the following  
 16 policy committees:

- 17 (a) Corrections Policy Committee;
- 18 (b) Fire Policy Committee;
- 19 (c) Police Policy Committee;
- 20 (d) Telecommunications Policy Committee; and
- 21 (e) Private Security Policy Committee.

22 (2) The members of each policy committee shall select a chairperson and vice chairperson for  
 23 the policy committee. Only members of the policy committee who are also members of the board are  
 24 eligible to serve as a chairperson or vice chairperson. The vice chairperson may act as chairperson  
 25 in the absence of the chairperson.

26 (3) The Corrections Policy Committee consists of:

- 27 (a) All of the board members who represent the corrections discipline;
- 28 (b) The chief administrative officer of the training division of the Department of Corrections;
- 29 (c) A security manager from the Department of Corrections recommended by the Director of the  
 30 Department of Corrections; and

31 (d) The following, who may not be current board members, appointed by the chairperson of the  
 32 board:

- 33 (A) One person recommended by and representing the Oregon State Sheriffs' Association;
- 34 (B) Two persons recommended by and representing the Oregon Sheriff's Jail Command Council;
- 35 (C) One person recommended by and representing a statewide association of community cor-  
 36 rections directors;
- 37 (D) One nonmanagement corrections officer employed by the Department of Corrections;
- 38 (E) One corrections officer who is a female, who is employed by the Department of Corrections  
 39 at a women's correctional facility and who is a member of a bargaining unit; and
- 40 (F) Two nonmanagement corrections officers.

41 (4) The Fire Policy Committee consists of:

- 42 (a) All of the board members who represent the fire service discipline; and
- 43 (b) The following, who may not be current board members, appointed by the chairperson of the  
 44 board:

- 45 (A) One person recommended by and representing a statewide association of fire instructors;

- 1 (B) One person recommended by and representing a statewide association of fire marshals;
- 2 (C) One person recommended by and representing community college fire programs;
- 3 (D) One nonmanagement firefighter recommended by a statewide organization of firefighters; and
- 4 (E) One person representing the forest protection agencies and recommended by the State
- 5 Forestry Department.

6 (5) The Police Policy Committee consists of:

- 7 (a) All of the board members who represent the law enforcement discipline; and
- 8 (b) The following, who may not be current board members, appointed by the chairperson of the
- 9 board:

- 10 (A) One person recommended by and representing the Oregon Association Chiefs of Police;
- 11 (B) Two persons recommended by and representing the Oregon State Sheriffs' Association;
- 12 (C) One command officer recommended by and representing the Oregon State Police; and
- 13 (D) Three nonmanagement law enforcement officers.

14 (6) The Telecommunications Policy Committee consists of:

- 15 (a) All of the board members who represent the telecommunications discipline; and
- 16 (b) The following, who may not be current board members, appointed by the chairperson of the
- 17 board:

18 (A) Two persons recommended by and representing a statewide association of public safety

19 communications officers;

- 20 (B) One person recommended by and representing the Oregon Association Chiefs of Police;
- 21 (C) One person recommended by and representing the Oregon State Police;
- 22 (D) Two persons representing telecommunicators;
- 23 (E) One person recommended by and representing the Oregon State Sheriffs' Association;
- 24 (F) One person recommended by and representing the Oregon Fire Chiefs Association;
- 25 (G) One person recommended by and representing the Emergency Medical Services and Trauma

26 Systems Program of the Oregon Health Authority; and

27 (H) One person representing emergency medical services providers and recommended by a

28 statewide association dealing with fire medical issues.

29 (7) The Private Security Policy Committee consists of:

- 30 (a) All of the board members who represent the private security industry; and
- 31 (b) The following, who may not be current board members, appointed by the chairperson of the
- 32 board:

33 (A) One person representing unarmed private security professionals;

34 (B) One person representing armed private security professionals;

35 **(C) One person representing the bail industry;**

36 [(C)] **(D)** One person representing the health care industry;

37 [(D)] **(E)** One person representing the manufacturing industry;

38 [(E)] **(F)** One person representing the retail industry;

39 [(F)] **(G)** One person representing the hospitality industry;

40 [(G)] **(H)** One person representing private business or a governmental entity that utilizes private

41 security services;

42 [(H)] **(I)** One person representing persons who monitor alarm systems;

43 [(I)] **(J)** Two persons who are investigators licensed under ORS 703.430, one of whom is recom-

44 mended by the Oregon State Bar and one of whom is in private practice; and

45 [(J)] **(K)** One person who represents the public at large and who is not related within the second

1 degree by affinity or consanguinity to a person who is employed or doing business as a private se-  
 2 curity professional or executive manager, as defined in ORS 181.870, or as an investigator, as defined  
 3 in ORS 703.401.

4 (8) In making appointments to the policy committees under this section, the chairperson of the  
 5 board shall seek to reflect the diversity of the state's population. An appointment made by the  
 6 chairperson of the board must be ratified by the board before the appointment is effective. The  
 7 chairperson of the board may remove an appointed member for just cause. An appointment to a  
 8 policy committee that is based on the member's employment is automatically revoked if the member  
 9 changes employment. The chairperson of the board shall fill a vacancy in the same manner as  
 10 making an initial appointment. The term of an appointed member is two years. An appointed member  
 11 may be appointed to a second term.

12 (9) A policy committee may meet at such times and places as determined by the policy commit-  
 13 tee in consultation with the Department of Public Safety Standards and Training. A majority of a  
 14 policy committee constitutes a quorum to conduct business. A policy committee may create sub-  
 15 committees if needed.

16 (10)(a) Each policy committee shall develop policies, requirements, standards and rules relating  
 17 to its specific discipline. A policy committee shall submit its policies, requirements, standards and  
 18 rules to the board for the board's consideration. When a policy committee submits a policy, re-  
 19 quirement, standard or rule to the board for the board's consideration, the board shall:

20 (A) Approve the policy, requirement, standard or rule;

21 (B) Disapprove the policy, requirement, standard or rule; or

22 (C) Defer a decision and return the matter to the policy committee for revision or reconsider-  
 23 ation.

24 (b) The board may defer a decision and return a matter submitted by a policy committee under  
 25 paragraph (a) of this subsection only once. If a policy, requirement, standard or rule that was re-  
 26 turned to a policy committee is resubmitted to the board, the board shall take all actions necessary  
 27 to implement the policy, requirement, standard or rule unless the board disapproves the policy, re-  
 28 quirement, standard or rule.

29 (c) Disapproval of a policy, requirement, standard or rule under paragraph (a) or (b) of this  
 30 subsection requires a two-thirds vote by the members of the board.

31 (11) At any time after submitting a matter to the board, the chairperson of the policy committee  
 32 may withdraw the matter from the board's consideration.

33 **SECTION 53.** ORS 18.048 is amended to read:

34 18.048. (1) Except as provided in this section, the judgment document in a criminal action that  
 35 contains a money award, whether by reason of a fine, restitution, forfeiture of security under [ORS  
 36 135.280] **section 8 of this 2013 Act**, a fee, an assessment, costs and disbursements or any other  
 37 monetary obligation, must contain a separate section clearly labeled at its beginning as a money  
 38 award. The separate section must be placed immediately above the judge's or court administrator's  
 39 signature. If the judgment includes an award of restitution, the label of the separate section must  
 40 so indicate.

41 (2) The separate money award section described by subsection (1) of this section must contain  
 42 the following information:

43 (a) A listing of the specific amounts awarded as fines, assessments, costs, restitution and any  
 44 other monetary obligations imposed in the sentence as part of the money award. If the court is un-  
 45 able to determine the full amount of restitution at the time of sentencing, the court may include the

1 amount that can be determined or may establish a maximum amount.

2 (b) If restitution or a compensatory fine is ordered, the name and address of the person to whom  
 3 the court should disburse payments, unless the victim requests that this information be exempt from  
 4 disclosure in the public record.

5 (c) A statement that, subject to amendment of a judgment under ORS 137.107, money required  
 6 to be paid as a condition of probation remains payable after revocation of probation only if the  
 7 amount is included in the money award portion of the judgment document, even if the amount is  
 8 referred to in other parts of the judgment document.

9 (d) Unless immediate payment is required, the specific terms of payment imposed or allowed by  
 10 the court.

11 (e) If payment of all or part of a monetary obligation is suspended, a statement specifying the  
 12 nature and amount of the suspended obligations.

13 (3) The requirements of this section and ORS 18.038 do not apply to a judgment document if the  
 14 action was commenced by the issuance of a uniform citation adopted under ORS 1.525 and the court  
 15 has used the space on the citation for the entry of a judgment. The exemption provided by this  
 16 subsection does not apply if any indictment, information or complaint other than a uniform citation  
 17 is filed in the action.

18 (4) If a judgment is for conviction of a violation as described in ORS 153.008, the judgment  
 19 creates a lien only if the court so orders. If a judgment does not create a lien under this subsection,  
 20 the judgment document need not contain the separate money award section described by subsection  
 21 (1) of this section.

22 (5) A judgment in a criminal action that contains a money award is a judgment in favor of the  
 23 state and may be enforced only by the state.

24 (6) A judgment in a criminal action that includes a money award, but does not contain a sepa-  
 25 rate section clearly labeled as a money award, does not create a judgment lien but may be enforced  
 26 by any other judgment remedy.

27 **SECTION 54.** ORS 25.715 is amended to read:

28 25.715. (1) The court may order that the portion of a security deposit made under ORS 135.265  
 29 that would otherwise be returned to the person who made the deposit or the amount of child support  
 30 arrearages, whichever is less, be paid to an obligee or the Division of Child Support of the Depart-  
 31 ment of Justice if:

- 32 (a) The defendant is an obligor who owes child support arrearages;
- 33 (b) The obligee or the administrator has filed a motion requesting the court to make such an  
 34 order;
- 35 (c) The obligee or the administrator has served the defendant with a copy of the motion;
- 36 (d) The defendant has an opportunity to respond and request a hearing; and
- 37 (e) The court has determined that such an order is appropriate.

38 (2) The court may order that a portion of a security deposit that is forfeited under [ORS  
 39 135.280] **section 8 of this 2013 Act** be paid to the division and be applied to any unsatisfied child  
 40 support judgment and to provide security for child support payments in accordance with ORS 25.230  
 41 if:

- 42 (a) The defendant is an obligor who owes child support;
- 43 (b) The administrator has filed a motion requesting the court to make such an order;
- 44 (c) The motion specifies the amount to be applied to the child support judgment under [ORS  
 45 135.280] **section 8 of this 2013 Act**; and

1 (d) The court has determined that such an order is appropriate.

2 **SECTION 55.** ORS 137.050 is amended to read:

3 137.050. (1) If the defendant has been released on a release agreement or security deposit and  
4 does not appear for judgment when personal attendance is required by the court, the court may  
5 order a forfeiture of the security deposit as provided in [*ORS 135.280*] **section 8 of this 2013 Act**.  
6 In addition, if the defendant fails to appear as required by the release agreement or security deposit,  
7 the court may direct the clerk to issue a bench warrant for the defendant's arrest.

8 (2) At any time after the making of the order for the bench warrant, the clerk, on the applica-  
9 tion of the district attorney, shall issue such warrant, as by the order directed, whether the court  
10 is sitting or not.

11 **SECTION 56.** Sections 5 to 10 and 33 to 45 of this 2013 Act and the amendments to ORS  
12 18.048, 25.715, 33.075, 40.015, 51.120, 131.405, 131.890, 133.450, 133.753, 133.803, 133.827, 133.843,  
13 135.060, 135.067, 135.230, 135.245, 135.265, 135.280, 137.050, 138.250, 138.650, 157.050, 162.195,  
14 162.205, 169.340, 181.637, 221.352, 703.430, 731.036, 731.186, 731.292, 742.350, 742.356, 744.052,  
15 744.062 and 802.530 by sections 1 to 4, 11 to 32 and 46 to 55 of this 2013 Act become operative  
16 on January 1, 2015.

17 **SECTION 57.** (1) The Department of Consumer and Business Services may take any  
18 action before the operative date specified in section 56 of this 2013 Act that is necessary for  
19 the department to exercise, on and after the operative date specified in section 56 of this 2013  
20 Act, all of the duties, functions and powers conferred on the department by sections 34 to  
21 40, 42, 43 and 45 of this 2013 Act and the amendments to ORS 731.036, 731.186, 731.292, 742.350,  
22 742.356, 744.052 and 744.062 by sections 31, 32 and 46 to 50 of this 2013 Act.

23 (2) The Department of Public Safety Standards and Training and the Board on Public  
24 Safety Standards and Training may take any action before the operative date specified in  
25 section 56 of this 2013 Act that is necessary for the department or the board, as applicable,  
26 to exercise, on and after the operative date specified in section 56 of this 2013 Act, all of the  
27 duties, functions and powers conferred on the department or the board by the amendments  
28 to ORS 181.637 and 703.430 by sections 51 and 52 of this 2013 Act.