

## HOUSE AMENDMENTS TO SENATE BILL 396

By COMMITTEE ON JUDICIARY

June 4

1 On page 1 of the printed bill, line 2, after “ORS” insert “18.300,”.

2 On page 9, delete lines 17 through 22 and insert:

3 “**SECTION 4.** ORS 18.300 is amended to read:

4 “18.300. *[In accordance with section 522(b) of the Bankruptcy Code of 1978 (11 U.S.C. 522(b)),*  
5 *residents of this state shall not be entitled to the federal exemptions provided in section 522(d) of the*  
6 *Bankruptcy Code of 1978 (11 U.S.C. 522(d)). Nothing in this section shall affect the exemptions given*  
7 *to residents of this state by the Constitution of the State of Oregon and the Oregon Revised Statutes.]*

8 “(1) For purposes of a bankruptcy petition, a resident of this state may use the federal  
9 exemptions provided in section 522(d) of the Bankruptcy Code of 1978 (11 U.S.C. 522(d)) or the  
10 exemptions given to residents of this state under state law, but may not use both.

11 “(2)(a) If a resident of this state uses any of the federal exemptions provided in section  
12 522(d) of the Bankruptcy Code of 1978 (11 U.S.C. 522(d)) for purposes of a bankruptcy petition,  
13 the resident may not use any of the exemptions given to residents of this state under state  
14 law.

15 “(b) If a resident of this state uses any of the exemptions given to residents of this state  
16 under state law for purposes of a bankruptcy petition, the resident may not use any of the  
17 federal exemptions provided in section 522(d) of the Bankruptcy Code of 1978 (11 U.S.C.  
18 522(d)).

19 “(3) This section does not apply to executions.

20 “**SECTION 5.** (1) The amendments to ORS 18.345, 18.845 and 18.896 by sections 1 to 3 of  
21 this 2013 Act apply only to executions as defined in ORS 18.005 issued on or after the effective  
22 date of this 2013 Act.

23 “(2) The amendments to ORS 18.300 by section 4 of this 2013 Act apply only to bankruptcy  
24 petitions first filed on or after the effective date of this 2013 Act.

25 “**SECTION 6.** This 2013 Act being necessary for the immediate preservation of the public  
26 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
27 on its passage.”.

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