

D R A F T

SUMMARY

Establishes commercial bail system.

A BILL FOR AN ACT

1
2 Relating to bail; creating new provisions; and amending ORS 18.048, 25.715,
3 33.075, 131.405, 133.450, 135.230, 135.245, 135.265, 135.280, 137.050, 138.250,
4 157.050, 181.637, 703.430, 731.036, 731.186, 731.292, 742.350, 742.356, 744.052
5 and 744.062.

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

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

8 135.230. As used in ORS 135.230 to 135.290, unless the context requires
9 otherwise:

10 (1) "Abuse" means:

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

13 (b) Intentionally, knowingly or recklessly placing another in fear of im-
14 minent serious physical injury; or

15 (c) Committing sexual abuse in any degree as defined in ORS 163.415,
16 163.425 and 163.427.

17 (2) **"Bail agent" means a retail provider of pretrial release services**
18 **who is authorized by a surety insurer to execute or countersign bail**
19 **bonds as security for the pretrial release of defendants in criminal**
20 **judicial proceedings and who holds a limited class license issued under**
21 **section 19 of this 2015 Act in the line of surety insurance.**

22 (3) **"Bail bond" means a written instrument posted by a bail agent**

1 and underwritten by a surety insurer that serves as security for the
2 pretrial release of a defendant and that obligates the surety insurer
3 to pay the security amount set by the court at the time of the
4 defendant's release.

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

15 [(2)] (5) "Conditional release" means a nonsecurity release [*which*] that
16 imposes regulations on the activities and associations of the defendant.

17 [(3)] (6) "Domestic violence" means abuse between family or household
18 members.

19 [(4)] (7) "Family or household members" means any of the following:

20 (a) Spouses.

21 (b) Former spouses.

22 (c) Adult persons related by blood or marriage.

23 (d) Persons cohabiting with each other.

24 (e) Persons who have cohabited with each other or who have been in-
25 volved in a sexually intimate relationship.

26 (f) Unmarried parents of a minor child.

27 [(5)] (8) "Magistrate" has the meaning provided for this term in ORS
28 133.030.

29 [(6)] (9) "Personal recognizance" means the release of a defendant upon
30 the promise of the defendant to appear in court at all appropriate times.

31 [(7)] (10) "Primary release criteria" includes the following:

- 1 (a) The reasonable protection of the victim or public;
- 2 (b) The nature of the current charge;
- 3 (c) The defendant's prior criminal record, if any, and, if the defendant
- 4 previously has been released pending trial, whether the defendant appeared
- 5 as required;
- 6 (d) Any facts indicating the possibility of violations of law if the defend-
- 7 ant is released without regulations; and
- 8 (e) Any other facts tending to indicate that the defendant is likely to
- 9 appear.

10 [(8)] (11) "Release" means temporary or partial freedom of a defendant
11 from lawful custody before judgment of conviction or after judgment of con-
12 viction if defendant has appealed.

13 [(9)] (12) "Release agreement" means a sworn writing by the defendant
14 stating the terms of the release and, if applicable, the amount of security.

15 [(10)] (13) "Release decision" means a determination by a magistrate, us-
16 ing primary and secondary release criteria, [*which*] **that** establishes the form
17 of the release most likely to ensure the safety of the public and the victim,
18 the defendant's court appearance and that the defendant does not engage in
19 domestic violence while on release.

20 [(11)] (14) "Secondary release criteria" [*includes the following*] **means:**

- 21 (a) The defendant's employment status and history and financial condi-
- 22 tion;
- 23 (b) The nature and extent of the family relationships of the defendant;
- 24 (c) The past and present residences of the defendant;
- 25 (d) Names of persons who agree to assist the defendant in attending court
- 26 at the proper time; and
- 27 (e) Any facts tending to indicate that the defendant has strong ties to the
- 28 community.

29 [(12)] (15) "Security release" means a release conditioned on a promise to
30 appear in court at all appropriate times [*which*] **that** is secured by cash,
31 stocks, bonds or real **or personal** property **or by a bail bond**.

1 [(13)] **(16)** “Surety” [*is one who*] **means a person that** executes a security
2 release [*and*] **that binds [oneself] the person** to pay the security amount if
3 the defendant fails to comply with the release agreement.

4 **(17) “Surety insurer” means an insurer authorized under the In-**
5 **surance Code to transact surety insurance, as defined in ORS 731.186,**
6 **in this state.**

7 **(18) “Surrender” means the voluntary surrender, or the delivery,**
8 **of a defendant into the custody of the sheriff of the county where an**
9 **action against the defendant is pending.**

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

11 135.245. (1) Except as provided in ORS 135.240, a person in custody has
12 the right to immediate security release or to be taken before a magistrate
13 without undue delay. If the person is not released under ORS 135.270, or
14 otherwise released before arraignment, the magistrate shall advise the person
15 of the right of the person to a security release as provided in ORS 135.265.

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

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

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

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

30 (4) Upon a finding that release of the person on personal recognizance is
31 unwarranted, the magistrate shall impose either conditional release or secu-

1 rity release.

2 (5) At the release hearing:

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

5 (b) The victim has the right:

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

9 (B) To appear personally at the hearing; and

10 (C) If present, to reasonably express any views relevant to the issues be-
11 fore the magistrate.

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

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

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

23 135.265. (1) If the defendant is not released on personal recognizance un-
24 der ORS 135.255, or granted conditional release under ORS 135.260, or fails
25 to agree to the provisions of the conditional release, the magistrate shall set
26 a security amount that will reasonably assure the defendant's appearance.
27 The defendant shall execute the security release in the amount set by the
28 magistrate.

29 (2) *[The]* A defendant **required to deposit a security amount** shall ex-
30 ecute a release agreement and deposit with the clerk of the court before
31 which the proceeding is pending a sum of money equal to 10 percent of the

1 security amount, but in no event shall such deposit be less than \$25. The
2 clerk shall issue a receipt for the sum deposited. Upon depositing this sum
3 the defendant shall be released from custody subject to the condition that
4 the defendant appear to answer the charge in the court having jurisdiction
5 on a day certain and thereafter as ordered by the court until discharged or
6 final order of the court. Once security has been given and a charge is pend-
7 ing or is thereafter filed in or transferred to a court of competent jurisdic-
8 tion the latter court shall continue the original security in that court
9 [*subject to ORS 135.280 and 135.285*]. When conditions of the release agree-
10 ment have been performed and the defendant has been discharged from all
11 obligations in the cause, the clerk of the court shall return to the person
12 shown by the receipt to have made the deposit, unless the court orders oth-
13 erwise, 85 percent of the sum which has been deposited and shall retain as
14 security release costs 15 percent, but not less than \$5 nor more than \$750,
15 of the amount deposited. The interest that has accrued on the full amount
16 deposited shall also be retained by the clerk. The amount retained by the
17 clerk of a circuit court shall be paid over as directed by the State Court
18 Administrator for deposit in the General Fund. The amount retained by a
19 justice of the peace shall be deposited in the county treasury. The amount
20 retained by the clerk of a municipal court shall be deposited in the municipal
21 corporation treasury. At the request of the defendant the court may order
22 whatever amount is repayable to defendant from such security amount to be
23 paid to defendant's attorney of record.

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

26 (A) Deposit with the clerk of the court an amount equal to the security
27 amount in cash, stocks, bonds[,] or real or personal property situated in this
28 state with equity not exempt owned by the defendant or sureties worth dou-
29 ble the amount of security set by the magistrate. The stocks, bonds[,] **or** real
30 or personal property shall in all cases be justified by affidavit. The
31 magistrate may further examine the sufficiency of the security as the

1 magistrate considers necessary.

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

3 **(b) A deposit made, or bail bond posted, under this subsection is**
4 **not subject to the retention of security release costs described in sub-**
5 **section (2) of this section.**

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

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

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

12 135.280. (1)(a) Upon failure of a person to comply with any condition of
13 a release agreement or personal recognizance **including appearance in**
14 **court**, the court having jurisdiction may, in addition to any other action
15 provided by law, issue a warrant for the arrest of the person at liberty upon
16 a personal recognizance, conditional or security release.

17 [(2)] **(b) A warrant issued under this subsection [(1) of this section] by a**
18 **municipal judge may be executed by [any] a peace officer authorized to exe-**
19 **cute arrest warrants.**

20 [(3) *If the defendant does not comply with the conditions of the release*
21 *agreement, the court having jurisdiction shall enter an order declaring the*
22 *entire security amount to be forfeited. Notice of the order of forfeiture shall*
23 *be given forthwith by personal service, by mail or by such other means as are*
24 *reasonably calculated to bring to the attention of the defendant and, if appli-*
25 *cable, of the sureties the order of forfeiture. If, within 30 days after the court*
26 *declares the forfeiture, the defendant does not appear or satisfy the court hav-*
27 *ing jurisdiction that appearance and surrender by the defendant was, or still*
28 *is, impossible and without fault of the defendant, the court shall enter judg-*
29 *ment for the state, or appropriate political subdivision thereof, against the de-*
30 *fendant and, if applicable, the sureties for the entire security amount set under*
31 *ORS 135.265 and the costs of the proceedings. At any time before or after entry*

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

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

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

16 *[(b) May not exceed 66 percent of the entire security amount set under ORS*
17 *135.265 if the deposit has been made under ORS 135.265 (3); and]*

18 *[(c) Does not reduce the money award in the judgment entered under sub-*
19 *section (3) of this section that is owed to the state.]*

20 *[(5) When judgment is entered in favor of the state, or any political subdi-*
21 *vision of the state, on any security given for a release, the judgment may be*
22 *enforced as a judgment in a civil action. If entered in circuit court, the judg-*
23 *ment shall be entered in the register, and the clerk of the court shall note in*
24 *the register that the judgment creates a judgment lien. The district attorney,*
25 *county counsel or city attorney may have execution issued on the judgment and*
26 *deliver same to the sheriff to be executed by levy on the deposit or security*
27 *amount made in accordance with ORS 135.265, or may collect the judgment*
28 *as otherwise provided by law. The proceeds of any execution or collection shall*
29 *be used to satisfy the judgment and costs and paid into the treasury of the*
30 *municipal corporation wherein the security was taken if the offense was de-*
31 *finied by an ordinance of a political subdivision of this state, or paid into the*

1 *treasury of the county wherein the security was taken if the offense was defined*
2 *by a statute of this state and the judgment was entered by a justice court, or*
3 *paid over as directed by the State Court Administrator for deposit in the*
4 *Criminal Fine Account, if the offense was defined by a statute of this state*
5 *and the judgment was entered by a circuit court. The provisions of this section*
6 *shall not apply to amounts deposited upon appearance under ORS 153.061.]*

7 [(6) *When the judgment of forfeiture is entered, the security deposit or de-*
8 *posit with the clerk is, by virtue of the judgment alone and without requiring*
9 *further execution, forfeited to and may be kept by the state or its appropriate*
10 *political subdivision. Except as provided in subsection (4) of this section, the*
11 *clerk shall reduce, by the value of the deposit so forfeited, the debt remaining*
12 *on the judgment and shall cause the amount on deposit to be transferred to the*
13 *revenue account of the state or political subdivision thereof entitled to receive*
14 *the proceeds of execution under this section.]*

15 [(7) *The stocks, bonds, personal property and real property shall be sold in*
16 *the same manner as in execution sales in civil actions and the proceeds of such*
17 *sale shall be used to satisfy all court costs, prior encumbrances, if any, and*
18 *from the balance a sufficient amount to satisfy the judgment shall be paid into*
19 *the treasury of the municipal corporation wherein the security was taken if the*
20 *offense was defined by an ordinance of a political subdivision of this state, or*
21 *paid into the treasury of the county wherein the security was taken if the of-*
22 *fense was defined by a statute of this state and the judgment was entered by*
23 *a justice court, or deposited in the General Fund available for general gov-*
24 *ernmental expenses if the offense was defined by a statute of this state and the*
25 *judgment was entered by a circuit court. The balance shall be returned to the*
26 *owner. The real property sold may be redeemed in the same manner as real*
27 *estate may be redeemed after judicial or execution sales in civil actions.]*

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

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

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

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

9 (b) The bail agent possesses a valid license issued pursuant to sec-
10 tion 19 of this 2015 Act; and

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

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

13 (B) Has left this state in violation of a condition of the person's
14 bail.

15 SECTION 5. Sections 6 to 10 of this 2015 Act are added to and made
16 a part of ORS 135.230 to 135.290.

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

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

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

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

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

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

1 agent intends to execute the warrant.

2 (2) A bail agent, or a bail recovery agent authorized by the bail
3 agent under section 6 of this 2015 Act, may not enter a dwelling to
4 execute an arrest warrant issued under ORS 135.280 (2) or (3) without
5 contemporaneous written consent by the person lawfully in possession
6 of the dwelling to enter the dwelling and arrest the person subject to
7 the arrest warrant.

8 (3) A bail agent, or a bail recovery agent authorized by the bail
9 agent under section 6 of this 2015 Act, shall notify in advance the jail
10 where the bail agent or bail recovery agent intends to deliver the
11 person arrested pursuant to an arrest warrant issued under ORS
12 135.280 (2) or (3).

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

15 SECTION 8. (1) If a defendant released after depositing a security
16 amount as provided in ORS 135.265 (2) does not comply with the con-
17 ditions of the release agreement, the court having jurisdiction shall
18 enter an order declaring the entire security amount to be forfeited.
19 Notice of the order of forfeiture shall be given forthwith by personal
20 service, mail or other means reasonably calculated to provide notice
21 of the order of forfeiture to the defendant and, if applicable, the
22 sureties. If, within 30 days after the court declares the forfeiture, the
23 defendant does not appear or satisfy the court having jurisdiction that
24 appearance and surrender by the defendant was, or still is, impossible
25 and without fault of the defendant, the court shall enter judgment for
26 the state or a political subdivision of the state, as applicable, against
27 the defendant and, if applicable, the sureties for the entire security
28 amount set under ORS 135.265 (2) and the costs of the proceedings. At
29 any time before or after entry of the judgment, the defendant or the
30 sureties may apply to the court for a remission of the forfeiture or to
31 modify or set aside the judgment. The court, upon good cause shown,

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

9 (2) After entry of a judgment for the state, the court, upon a mo-
10 tion filed under ORS 25.715, may order that a portion of the security
11 amount be applied to any unsatisfied child support award owed by the
12 defendant and to provide security for child support payments in ac-
13 cordance with ORS 25.230. The portion of the security amount that
14 may be applied to the child support award:

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

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

18 (c) Does not reduce the money award in the judgment entered un-
19 der subsection (1) of this section that is owed to the state.

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

22 SECTION 9. (1)(a) If a defendant released on a bail bond under ORS
23 135.265 (3) does not comply with the conditions of the release agree-
24 ment relating to court appearances, the court having jurisdiction shall
25 enter an order declaring the entire security amount to be forfeited.

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

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

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

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

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

9 **(C) The defendant is surrendered into the custody of law enforce-**
10 **ment in the county in which the underlying charge is pending;**

11 **(D) The defendant dies; or**

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

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

16 **(3) If, within 60 days after entry of an order of forfeiture, the court**
17 **does not set aside the forfeiture and there is no motion pending re-**
18 **questing that the forfeiture be set aside, the court shall enter judg-**
19 **ment upon the bail bond against the surety insurer.**

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

24 **SECTION 10.** **(1)(a) When judgment is entered in favor of the state**
25 **or a political subdivision of the state on any security given for a re-**
26 **lease under ORS 135.265, the judgment may be enforced as a judgment**
27 **in a civil action. If entered in circuit court, the judgment shall be**
28 **entered in the register and the clerk of the court shall note in the**
29 **register that the judgment creates a judgment lien. The district at-**
30 **torney, county counsel or city attorney may have execution issued on**
31 **the judgment and deliver same to the sheriff to be executed by levy**

1 on the deposit or security amount made in accordance with ORS
2 135.265, or may collect the judgment as otherwise provided by law.

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

5 (A) If the offense was defined by an ordinance of a political subdi-
6 vision of this state, paid into the treasury of the municipal corporation
7 in which the security was taken;

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

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

15 (2) When a judgment of forfeiture is entered under section 8 of this
16 2015 Act, the deposit or security amount with the clerk is, by virtue
17 of the judgment alone and without requiring further execution, for-
18 feited to and may be kept by the state or its appropriate political
19 subdivision. Except as provided in section 8 (2) of this 2015 Act, the
20 clerk shall reduce, by the value of the deposit so forfeited, the debt
21 remaining on the judgment and shall cause the amount on deposit to
22 be transferred to the revenue account of the state or political subdi-
23 vision of the state entitled to receive the proceeds of execution under
24 this section.

25 (3)(a) Stocks, bonds, personal property and real property deposited
26 under ORS 135.265 (3)(a)(A) and subject to forfeiture under section 8
27 of this 2015 Act shall be sold in the same manner as in execution sales
28 in civil actions and the proceeds of the sale shall be used to satisfy all
29 court costs, prior encumbrances, if any, and from the balance a suffi-
30 cient amount to satisfy the judgment shall be:

31 (A) If the offense was defined by an ordinance of a political subdi-

1 **vision of this state, paid into the treasury of the municipal corporation**
2 **in which the security was taken;**

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

6 **(C) If the offense was defined by a statute of this state and the**
7 **judgment was entered by a circuit court, deposited in the General**
8 **Fund available for general governmental expenses.**

9 **(b) The balance of the proceeds of a sale conducted under this sub-**
10 **section shall be returned to the owner.**

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

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

16 **(b) Amounts received from a judgment of forfeiture on a bail bond**
17 **shall be deposited in the Judicial Department Operating Account es-**
18 **tablished under ORS 1.009.**

19 **(5) If the bail agent or the surety insurer does not make full pay-**
20 **ment on the judgment within 30 days after mailing of the notice re-**
21 **quired under subsection (4) of this section, the court shall:**

22 **(a) Issue an order directing that further bail bonds may not be ac-**
23 **cepted from the bail agent or the surety insurer within the jurisdiction**
24 **of the court until the judgment is paid in full; and**

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

28 **(6) This section does not apply to presumptive fine amounts depos-**
29 **ited upon appearance under ORS 153.061.**

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

31 **133.450. (1) If the defendant is arrested in the county in which the warrant**

1 issued, the defendant shall be taken before the magistrate who issued the
2 warrant, or, if the magistrate is absent or unable to act, before the nearest
3 or most accessible magistrate in the same county; but if the defendant is
4 arrested in another county and the crime charged in the warrant is a
5 misdemeanor, the officer shall, upon being required by the defendant, take
6 the defendant before a magistrate of that county, who shall make a release
7 decision as provided in ORS 135.230 to 135.290. The officer shall at the same
8 time deliver to the magistrate the warrant with the return of the officer
9 indorsed and subscribed by the officer.

10 (2) After making the release decision, the magistrate shall certify that
11 fact on the warrant and return the warrant and release agreement or secu-
12 rity release to the officer having charge of the defendant. The officer shall
13 then discharge the defendant from arrest and without delay deliver the
14 warrant and release agreement or security release to the clerk of the court
15 in the other county at which the defendant is required to appear.

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

21 **SECTION 12.** ORS 33.075 is amended to read:

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

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

31 (3) When the court issues a warrant for contempt, the court shall specify

1 a security amount. Unless the defendant pays the security amount **or posts**
2 **a bail bond** upon arrest, the sheriff shall keep the defendant in custody until
3 either a release decision is made by the court or until disposition of the
4 contempt proceedings.

5 (4) The defendant shall be discharged from the arrest upon executing and
6 delivering to the sheriff, at any time before the return day of the warrant,
7 a security release or a release agreement as provided in ORS 135.230 to
8 135.290, to the effect that the defendant will appear on the return day and
9 abide by the order or judgment of the court or officer or pay, as [*may be*]
10 directed, the sum specified in the warrant.

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

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

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

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

20 (b) **Order forfeiture of the security amount of the bail bond under**
21 **section 9 of this 2015 Act.**

22 (7) If the court proceeds against the security under subsection (6) of this
23 section and the sum specified is recovered, the court may award to any party
24 to the action any or all of the money recovered as remedial damages.

25 **SECTION 13.** ORS 131.405 is amended to read:

26 131.405. (1) When the court has ordered a change of place of trial, if the
27 defendant has been released on security release, conditional release or re-
28 cognizance, the defendant must, without further notice, appear at the time
29 and place appointed for trial and not depart therefrom without permission
30 of the court.

31 (2) A security deposit **or bail bond** is sufficient therefor in all respects

1 as if the action had proceeded to final determination in the court where it
2 was commenced.

3 **SECTION 14.** ORS 138.250 is amended to read:

4 138.250. When a new trial is ordered, it shall be directed to be had in the
5 court below; and if a judgment against a defendant is reversed without or-
6 dering a new trial, the appellate court shall direct, if the defendant is in
7 custody, that the defendant be discharged therefrom, or if the defendant has
8 been released, that the release agreement be exonerated, or if a security re-
9 lease has been entered into, that the security be refunded to the defendant
10 or the sureties **or bail agents** of the defendant.

11 **SECTION 15.** ORS 157.050 is amended to read:

12 157.050. An allowance of an appeal does not stay the proceedings on the
13 judgment unless the defendant:

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

16 (2) Gives the security required by ORS 810.300 to 810.330 as an under-
17 taking on appeal.

18 **SECTION 16.** ORS 731.186 is amended to read:

19 731.186. "Surety insurance" means:

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

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

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

26 **SECTION 17.** ORS 744.052 is amended to read:

27 744.052. As used in ORS 744.052 to 744.089:

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

29 (2) **"Bail bond" or "surety bail bond" means a written instrument**
30 **posted by a bail agent and underwritten by a surety insurer that serves**
31 **as security for the pretrial release of a defendant and that obligates**

1 **the surety insurer to pay the security amount set by the court at the**
2 **time of the defendant's release.**

3 **(3) "Bail recovery agent" has the meaning given that term in ORS**
4 **135.230.**

5 [(1)] **(4) "Business entity" has the meaning given that term in ORS**
6 **731.116.**

7 [(2)] **(5) "Home state" means any state, district or territory of the United**
8 **States, in which an insurance producer maintains the insurance producer's**
9 **principal place of residence or principal place of business and is licensed to**
10 **act as an insurance producer.**

11 [(3)] **(6) "Limited class credit insurance" includes but is not limited to**
12 **credit life, credit disability, credit property, credit unemployment, involun-**
13 **tary unemployment, mortgage life, mortgage guaranty, mortgage disability,**
14 **and guaranteed automobile protection insurance, and any other form of in-**
15 **surance offered in connection with an extension of credit that is limited to**
16 **partially or wholly extinguishing the credit obligation that the Director of**
17 **the Department of Consumer and Business Services determines should be**
18 **designated a form of limited class credit insurance.**

19 [(4)] **(7) "Limited class credit insurance producer" means a person re-**
20 **quired to be licensed to sell, solicit or negotiate one or more forms of limited**
21 **class credit insurance coverage to individuals through a master, corporate,**
22 **group or individual policy.**

23 [(5)] **(8) "Limited class insurance" includes but is not limited to credit,**
24 **mortgage, automobile dealer guaranteed automobile protection, **surety bail****
25 **bonds and any other form of insurance designated by the director as a form**
26 **of limited class insurance.**

27 [(6)] **(9) "Limited class insurance producer" means a person required to**
28 **be licensed to sell, solicit or negotiate one or more forms of limited class**
29 **insurance coverage to individuals through a master, corporate, group or in-**
30 **dividual policy.**

31 [(7)] **(10) "Negotiate," "sell" and "solicit" have the meanings given those**

1 terms in ORS 731.104.

2 [(8)] (11) “Terminate” means to cancel the relationship between an in-
3 surance producer and the insurer or to revoke an insurance producer’s au-
4 thority to sell, solicit or negotiate insurance.

5 [(9)] (12) “Uniform Application” means the current version of the Uniform
6 Application for resident and nonresident insurance producer licensing,
7 produced by the National Association of Insurance Commissioners.

8 [(10)] (13) “Uniform Business Entity Application” means the current ver-
9 sion of the Uniform Business Entity Application for resident and nonresident
10 business entities, produced by the National Association of Insurance Com-
11 missioners.

12 **SECTION 18. Sections 19 to 25 of this 2015 Act are added to and**
13 **made a part of ORS 744.052 to 744.089.**

14 **SECTION 19. The Department of Consumer and Business Services**
15 **shall issue a limited class license as a bail agent to an individual who:**

16 (1) **Complies with the training requirements under sections 21 and**
17 **22 of this 2015 Act;**

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

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

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

24 (5) **Files the bond or makes the deposit required under section 23**
25 **of this 2015 Act.**

26 **SECTION 20. (1) An application for a license issued under section**
27 **19 of this 2015 Act must be filed with the Department of Consumer and**
28 **Business Services in the manner specified by the department. The de-**
29 **partment may require any information and documentation that rea-**
30 **sonably relates to the applicant’s fitness to hold a license.**

31 (2) **The department may request a criminal records check under**

1 **ORS 181.534 of an applicant for issuance or renewal of a limited class**
2 **license as a bail agent.**

3 **SECTION 21. (1) An individual may not sell, solicit or negotiate bail**
4 **bonds unless the individual is licensed as a bail agent under section**
5 **19 of this 2015 Act and completes:**

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

8 (b) **Ongoing training of not less than 16 hours in each 24-month**
9 **period following completion of the course described in paragraph (a)**
10 **of this subsection.**

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

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

14 (b) **May not include training that is specific to an insurer or com-**
15 **pany product or that includes any sales or marketing information,**
16 **materials or training, unless the training is required under state or**
17 **federal law.**

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

19 (a) **Obtain verification that a bail agent completes the training re-**
20 **quired under subsection (1) of this section before the bail agent sells,**
21 **solicits or negotiates the surety insurer's bail bond products.**

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

24 (c) **Make the verification obtained under paragraph (a) of this sub-**
25 **section available to the Director of the Department of Consumer and**
26 **Business Services upon request.**

27 **SECTION 22. (1) The Department of Consumer and Business Ser-**
28 **vices may adopt rules necessary to implement the provisions of ORS**
29 **744.052 to 744.089 pertaining to bail agents, including training and**
30 **testing requirements. Rules adopted pursuant to this section:**

31 (a) **Must include not less than eight hours of classes before**

1 licensure under section 19 of this 2015 Act.

2 (b) May include continuing education requirements.

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

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

9 SECTION 23. (1) The Department of Consumer and Business Ser-
10 vices may not issue a license under section 19 of this 2015 Act unless
11 the applicant:

12 (a) Files with the department a bond, executed by a surety insurer
13 authorized to do business in this state, in the sum of \$25,000 made
14 payable to the State of Oregon and conditioned to recover against the
15 bail agent by reason of any violation of ORS 744.052 to 744.089; or

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

17 (2)(a) A person injured by a bail agent may bring an action on the
18 bond or account required under subsection (1) of this section in any
19 county in which jurisdiction over the bail agent may be obtained.

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

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

25 (3) The Director of the Department of Consumer and Business Ser-
26 vices shall immediately suspend the license of a bail agent who fails
27 to maintain a bond or account pursuant to this section.

28 SECTION 24. (1) In addition to the requirements to maintain a trust
29 account under ORS 744.083, a bail agent shall:

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

31 (b) Within 10 business days after receipt of written notice that a

1 court has exonerated a bail bond, return to the person on whose behalf
2 bail was posted all collateral or security on the bail bond, less any
3 amount owed to the bail agent or surety insurer.

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

10 (3) A bail agent shall maintain records of contracts with bail re-
11 covery agents for the apprehension of fugitive criminal defendants for
12 three years.

13 SECTION 25. (1) A bail agent shall notify the Director of the De-
14 partment of Consumer and Business Services within 30 days after the
15 death or termination of employment of any employee who is a licensed
16 bail agent.

17 (2) A bail agent shall notify the director within 72 hours upon re-
18 ceipt of information affecting the bail agent's eligibility to hold a li-
19 cense.

20 SECTION 26. Sections 27 and 28 of this 2015 Act are added to and
21 made a part of ORS chapter 746.

22 SECTION 27. (1) As used in this section:

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

24 (b) "Bail recovery agent" has the meaning given that term in ORS
25 135.230.

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

29 (a) Violating laws governing the conduct of bail agents or rules
30 adopted under section 22 of this 2015 Act.

31 (b) Using the services of a bail agent who is not licensed under

1 **section 19 of this 2015 Act.**

2 **(c) Misrepresenting or knowingly making a material misstatement**
3 **or omission in an application for a license under section 20 of this 2015**
4 **Act.**

5 **(d) Knowingly committing or being a party to any material fraud,**
6 **misrepresentation, concealment, conspiracy, collusion, trick, scheme**
7 **or device whereby another person reasonably relies on the word, rep-**
8 **resentation or conduct of the bail agent. This paragraph does not**
9 **prevent a bail recovery agent from using a pretext to locate or appre-**
10 **hend, or to gain information regarding, a fugitive criminal defendant.**

11 **(e) Assigning or transferring a license issued under section 19 of**
12 **this 2015 Act.**

13 **(f) Converting money or a contract, deed, note, mortgage or other**
14 **evidence of title, to the bail agent's own use or to the use of the bail**
15 **agent's principal or another person, when delivered in trust or on**
16 **condition, in violation of the trust or before the occurrence of the**
17 **condition. Failing to return money or a contract, deed, note, mortgage**
18 **or other evidence of title within 30 days after the owner is entitled to**
19 **possession and makes demand for possession is prima facie evidence**
20 **of conversion under this paragraph.**

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

23 **(h) Any conduct in a bail bond transaction that demonstrates bad**
24 **faith, dishonesty or untrustworthiness.**

25 **(i) Violating an order to cease and desist that is issued by the Di-**
26 **rector of the Department of Consumer and Business Services under**
27 **ORS 731.252.**

28 **(j) Wearing, displaying, holding or using badges not approved by the**
29 **Department of Consumer and Business Services.**

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

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

3 (m) Performing the functions of a bail recovery agent, unless li-
4 censed as a bail recovery agent.

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

6 (o) Acting or being employed in any manner that presents a conflict
7 of interest in carrying out the person's duties as a bail agent.

8 **SECTION 28.** (1) Any person may submit a written complaint to the
9 Department of Consumer and Business Services charging a person or
10 a bail agent or applicant for a limited class license as a bail agent with
11 unprofessional conduct as described in section 27 of this 2015 Act. The
12 complaint must specify the grounds for the charge.

13 (2) If the Director of the Department of Consumer and Business
14 Services determines that the complaint merits investigation, or if the
15 director has reason to believe, without a formal complaint, that a li-
16 censed bail agent or applicant for a license has engaged in unprofes-
17 sional conduct, the director shall investigate to determine if there has
18 been unprofessional conduct.

19 (3) A person who files a complaint under this section in good faith
20 is immune from suit in any civil action related to the filing or con-
21 tents of the complaint.

22 **SECTION 29.** Section 30 of this 2015 Act is added to and made a part
23 of ORS chapter 744.

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

1 **calendar year.**

2 **(2) If the director, during the period in which the director may**
3 **collect taxes owing under this section, finds the amount of the taxes**
4 **paid by a surety insurer to be incorrect, the director shall charge or**
5 **credit the surety insurer with the difference between the correct**
6 **amount of tax and the amount actually paid.**

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

10 **SECTION 31.** ORS 731.292 is amended to read:

11 731.292. (1) Except as provided in subsections (2), (3) and (4) of this sec-
12 tion, all fees, charges and other moneys received by the Department of Con-
13 sumer and Business Services or the Director of the Department of Consumer
14 and Business Services under the Insurance Code shall be deposited in the
15 fund created by ORS 705.145 and are continuously appropriated to the de-
16 partment for the payment of the expenses of the department in carrying out
17 the Insurance Code.

18 **(2)(a) Except as provided in paragraph (b) of this subsection,** all
19 taxes and penalties paid pursuant to the Insurance Code shall be paid to the
20 director and after deductions of refunds shall be paid by the director to the
21 State Treasurer, at the end of every calendar month or more often in the
22 director's discretion, for deposit in the General Fund to become available for
23 general governmental expenses.

24 **(b) All taxes paid pursuant to section 30 of this 2015 Act shall be**
25 **paid to the director and after deductions of refunds shall be paid by**
26 **the director to the State Treasurer, at the end of every calendar**
27 **month or more often in the director's discretion, for deposit in the**
28 **Police Standards and Training Account established under ORS 181.690**
29 **for the purpose described in section 30 (1) of this 2015 Act.**

30 (3) All premium taxes received by the director pursuant to ORS 731.820
31 shall be paid by the director to the State Treasurer for deposit in the State

1 Fire Marshal Fund.

2 (4) Assessments received by the department under ORS 743.951 and 743.961
3 and penalties received by the department under ORS 743.990 and section 10,
4 chapter 867, Oregon Laws 2009, shall be paid into the State Treasury and
5 credited to the Health System Fund established in section 1, chapter 867,
6 Oregon Laws 2009, after deducting the following amounts:

7 (a) Amounts needed to reimburse the department for expenses in admin-
8 istering ORS 743.951 to 743.965 and 743.990; and

9 (b) Amounts needed to reimburse the General Fund for reductions in
10 revenue caused by the effect of ORS 743.961 on the retaliatory tax imposed
11 under ORS 731.854 and 731.859.

12 **SECTION 32.** ORS 731.036 is amended to read:

13 **NOTE:** Amendments become operative 7/1/17. See 2013 c.698 §41. Amend
14 both versions.

15 731.036. Except as provided in ORS 743.061 or as specifically provided by
16 law, the Insurance Code does not apply to any of the following to the extent
17 of the subject matter of the exemption:

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

19 [(2)] (1) A fraternal benefit society that has maintained lodges in this
20 state and other states for 50 years prior to January 1, 1961, and for which
21 a certificate of authority was not required on that date.

22 [(3)] (2) A religious organization providing insurance benefits only to its
23 employees, if the organization is in existence and exempt from taxation under
24 section 501(c)(3) of the federal Internal Revenue Code on September 13, 1975.

25 [(4)] (3) Public bodies, as defined in ORS 30.260, that either individually
26 or jointly establish a self-insurance program for tort liability in accordance
27 with ORS 30.282.

28 [(5)] (4) Public bodies, as defined in ORS 30.260, that either individually
29 or jointly establish a self-insurance program for property damage in accord-
30 ance with ORS 30.282.

31 [(6)] (5) Cities, counties, school districts, community college districts,

1 community college service districts or districts, as defined in ORS 198.010
2 and 198.180, that either individually or jointly insure for health insurance
3 coverage, excluding disability insurance, their employees or retired employ-
4 ees, or their dependents, or students engaged in school activities, or combi-
5 nation of employees and dependents, with or without employee or student
6 contributions, if all of the following conditions are met:

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

9 (A) In the case of a school district, community college district or com-
10 munity college service district, the number of covered employees and depen-
11 dents and retired employees and dependents aggregates at least 500
12 individuals;

13 (B) In the case of an individual public body program other than a school
14 district, community college district or community college service district, the
15 number of covered employees and dependents and retired employees and de-
16 pendents aggregates at least 500 individuals; and

17 (C) In the case of a joint program of two or more public bodies, the
18 number of covered employees and dependents and retired employees and de-
19 pendents aggregates at least 1,000 individuals;

20 (b) The individual or jointly self-insured health insurance program in-
21 cludes all coverages and benefits required of group health insurance policies
22 under ORS chapters 743 and 743A;

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

25 (d) Enrollees must be provided copies of summary plan descriptions in-
26 cluding:

27 (A) Written general information about services provided, access to ser-
28 vices, charges and scheduling applicable to each enrollee's coverage;

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

30 (C) Other group health plan enrollee rights, disclosure or written proce-
31 dure requirements established under ORS chapters 743 and 743A;

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

3 (A) Program contributions and reserves must be held in separate accounts
4 and used for the exclusive benefit of the program;

5 (B) The program must maintain adequate reserves. Reserves may be in-
6 vested in accordance with the provisions of ORS chapter 293. Reserve ade-
7 quacy must be calculated annually with proper actuarial calculations
8 including the following:

9 (i) Known claims, paid and outstanding;

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

11 (iii) Claims handling expenses;

12 (iv) Unearned contributions; and

13 (v) A claims trend factor; and

14 (C) The program must maintain adequate reinsurance against the risk of
15 economic loss in accordance with the provisions of ORS 742.065 unless the
16 program has received written approval for an alternative arrangement for
17 protection against economic loss from the Director of the Department of
18 Consumer and Business Services;

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

23 (g) The individual or jointly self-insured program shall be subject to as-
24 sessment in accordance with section 2, chapter 698, Oregon Laws 2013;

25 (h) The public body, or the program administrator in the case of a joint
26 insurance program of two or more public bodies, files with the Director of
27 the Department of Consumer and Business Services copies of all documents
28 creating and governing the program, all forms used to communicate the
29 coverage to beneficiaries, the schedule of payments established to support the
30 program and, annually, a financial report showing the total incurred cost of
31 the program for the preceding year. A copy of the annual audit required by

1 ORS 297.425 may be used to satisfy the financial report filing requirement;
2 and

3 (i) Each public body in a joint insurance program is liable only to its own
4 employees and no others for benefits under the program in the event, and to
5 the extent, that no further funds, including funds from insurance policies
6 obtained by the pool, are available in the joint insurance pool.

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

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

12 (a) Towing service.

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

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

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

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

29 (B) The lessor of the motor vehicle.

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

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

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

5 ~~[(10)]~~ (9) A self-insurance program for tort liability or property damage
6 that is established by two or more affordable housing entities and that
7 complies with the same requirements that public bodies must meet under
8 ORS 30.282 (6). As used in this subsection:

9 (a) “Affordable housing” means housing projects in which some of the
10 dwelling units may be purchased or rented, with or without government as-
11 sistance, on a basis that is affordable to individuals of low income.

12 (b) “Affordable housing entity” means any of the following:

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

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

19 (C) A partnership or limited liability company that is engaged in provid-
20 ing affordable housing and that is affiliated with a housing authority de-
21 scribed in subparagraph (A) of this paragraph or a nonprofit corporation
22 described in subparagraph (B) of this paragraph if the housing authority or
23 nonprofit corporation:

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

26 (ii) Has the power to direct the management or policies of the partnership
27 or limited liability company;

28 (iii) Has entered into a contract to lease, manage or operate the afforda-
29 ble housing owned by the partnership or limited liability company; or

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

1 [(11)] (10) A community-based health care initiative approved by the Ad-
2 ministrator of the Office for Oregon Health Policy and Research under ORS
3 735.723 operating a community-based health care improvement program ap-
4 proved by the administrator.

5 [(12)] (11) Except as provided in ORS 735.500 and 735.510, a person certi-
6 fied by the Department of Consumer and Business Services to operate a
7 retainer medical practice.

8 **SECTION 33.** ORS 731.036, as amended by section 37, chapter 698, Oregon
9 Laws 2013, is amended to read:

10 731.036. Except as provided in ORS 743.061 or as specifically provided by
11 law, the Insurance Code does not apply to any of the following to the extent
12 of the subject matter of the exemption:

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

14 [(2)] (1) A fraternal benefit society that has maintained lodges in this
15 state and other states for 50 years prior to January 1, 1961, and for which
16 a certificate of authority was not required on that date.

17 [(3)] (2) A religious organization providing insurance benefits only to its
18 employees, if the organization is in existence and exempt from taxation under
19 section 501(c)(3) of the federal Internal Revenue Code on September 13, 1975.

20 [(4)] (3) Public bodies, as defined in ORS 30.260, that either individually
21 or jointly establish a self-insurance program for tort liability in accordance
22 with ORS 30.282.

23 [(5)] (4) Public bodies, as defined in ORS 30.260, that either individually
24 or jointly establish a self-insurance program for property damage in accord-
25 ance with ORS 30.282.

26 [(6)] (5) Cities, counties, school districts, community college districts,
27 community college service districts or districts, as defined in ORS 198.010
28 and 198.180, that either individually or jointly insure for health insurance
29 coverage, excluding disability insurance, their employees or retired employ-
30 ees, or their dependents, or students engaged in school activities, or combi-
31 nation of employees and dependents, with or without employee or student

1 contributions, if all of the following conditions are met:

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

4 (A) In the case of a school district, community college district or com-
5 munity college service district, the number of covered employees and depen-
6 dents and retired employees and dependents aggregates at least 500
7 individuals;

8 (B) In the case of an individual public body program other than a school
9 district, community college district or community college service district, the
10 number of covered employees and dependents and retired employees and de-
11 pendents aggregates at least 500 individuals; and

12 (C) In the case of a joint program of two or more public bodies, the
13 number of covered employees and dependents and retired employees and de-
14 pendents aggregates at least 1,000 individuals;

15 (b) The individual or jointly self-insured health insurance program in-
16 cludes all coverages and benefits required of group health insurance policies
17 under ORS chapters 743 and 743A;

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

20 (d) Enrollees must be provided copies of summary plan descriptions in-
21 cluding:

22 (A) Written general information about services provided, access to ser-
23 vices, charges and scheduling applicable to each enrollee's coverage;

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

25 (C) Other group health plan enrollee rights, disclosure or written proce-
26 dure requirements established under ORS chapters 743 and 743A;

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

29 (A) Program contributions and reserves must be held in separate accounts
30 and used for the exclusive benefit of the program;

31 (B) The program must maintain adequate reserves. Reserves may be in-

1 vested in accordance with the provisions of ORS chapter 293. Reserve ade-
2 quacy must be calculated annually with proper actuarial calculations
3 including the following:

- 4 (i) Known claims, paid and outstanding;
- 5 (ii) A history of incurred but not reported claims;
- 6 (iii) Claims handling expenses;
- 7 (iv) Unearned contributions; and
- 8 (v) A claims trend factor; and

9 (C) The program must maintain adequate reinsurance against the risk of
10 economic loss in accordance with the provisions of ORS 742.065 unless the
11 program has received written approval for an alternative arrangement for
12 protection against economic loss from the Director of the Department of
13 Consumer and Business Services;

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

18 (g) The public body, or the program administrator in the case of a joint
19 insurance program of two or more public bodies, files with the Director of
20 the Department of Consumer and Business Services copies of all documents
21 creating and governing the program, all forms used to communicate the
22 coverage to beneficiaries, the schedule of payments established to support the
23 program and, annually, a financial report showing the total incurred cost of
24 the program for the preceding year. A copy of the annual audit required by
25 ORS 297.425 may be used to satisfy the financial report filing requirement;
26 and

27 (h) Each public body in a joint insurance program is liable only to its
28 own employees and no others for benefits under the program in the event,
29 and to the extent, that no further funds, including funds from insurance
30 policies obtained by the pool, are available in the joint insurance pool.

31 [(7)] **(6)** All ambulance services.

1 ~~[(8)]~~ **(7)** A person providing any of the services described in this sub-
2 section. The exemption under this subsection does not apply to an authorized
3 insurer providing such services under an insurance policy. This subsection
4 applies to the following services:

5 (a) Towing service.

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

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

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

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

22 (B) The lessor of the motor vehicle.

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

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

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

29 ~~[(10)]~~ **(9)** A self-insurance program for tort liability or property damage
30 that is established by two or more affordable housing entities and that
31 complies with the same requirements that public bodies must meet under

1 ORS 30.282 (6). As used in this subsection:

2 (a) “Affordable housing” means housing projects in which some of the
3 dwelling units may be purchased or rented, with or without government as-
4 sistance, on a basis that is affordable to individuals of low income.

5 (b) “Affordable housing entity” means any of the following:

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

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

12 (C) A partnership or limited liability company that is engaged in provid-
13 ing affordable housing and that is affiliated with a housing authority de-
14 scribed in subparagraph (A) of this paragraph or a nonprofit corporation
15 described in subparagraph (B) of this paragraph if the housing authority or
16 nonprofit corporation:

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

19 (ii) Has the power to direct the management or policies of the partnership
20 or limited liability company;

21 (iii) Has entered into a contract to lease, manage or operate the afforda-
22 ble housing owned by the partnership or limited liability company; or

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

25 ~~[(11)]~~ **(10)** A community-based health care initiative approved by the Ad-
26 ministrator of the Office for Oregon Health Policy and Research under ORS
27 735.723 operating a community-based health care improvement program ap-
28 proved by the administrator.

29 ~~[(12)]~~ **(11)** Except as provided in ORS 735.500 and 735.510, a person certi-
30 fied by the Department of Consumer and Business Services to operate a
31 retainer medical practice.

1 **SECTION 34.** ORS 744.062 is amended to read:

2 744.062. (1) Unless the Director of the Department of Consumer and
3 Business Services refuses to issue or renew a license pursuant to ORS
4 744.074, a person who has met the requirements of ORS 744.058 and 744.059,
5 or ORS 744.063, shall be issued an insurance producer license. An insurance
6 producer may receive qualification for a license in one or more of the fol-
7 lowing classes of insurance:

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

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

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

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

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

13 (f) Property and casualty insurance coverage sold to individuals and
14 families for primarily noncommercial purposes.

15 (g) Limited class credit insurance.

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

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

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

22 ~~[(j)]~~ **(k)** Any other class of insurance permitted under the Insurance Code
23 or rules adopted thereunder.

24 (2) For assistance in performance of the director's duties, the director may
25 participate with the National Association of Insurance Commissioners, or
26 any affiliate or subsidiary that the National Association of Insurance Com-
27 missioners oversees, in a centralized producer licensing registry in which
28 insurance producer licenses and appointments are centrally or simultane-
29 ously effected for all states that require an insurance producer license. The
30 director may adopt by rule any uniform standards and procedures as are
31 necessary to participate in the registry, including the centralized collection

1 of fees for licenses or appointments that are processed through the registry.

2 (3) An insurance producer may apply to amend a license for the purpose
3 of adding or deleting a class of insurance on the license in the manner pre-
4 scribed for license application in ORS 744.059 or 744.063, or as otherwise
5 prescribed by the director.

6 **SECTION 35.** ORS 742.350 is amended to read:

7 742.350. (1) Whenever any bond, **bail bond**, undertaking, recognizance[,]
8 or other obligation is by law or the charter, ordinance, rules or regulations
9 of any municipality, board, body, organization, court, judge or public officer
10 required or permitted to be made, given, tendered or filed with surety or
11 sureties, and whenever the performance of any act, duty or obligation[,] or
12 the refraining from any act is required or permitted to be guaranteed, such
13 bond, **bail bond**, undertaking, obligation, recognizance or guaranty may be
14 executed by an authorized surety insurer.

15 (2) The execution by such an insurer of any such obligation is in all re-
16 spects a full and complete compliance with every requirement that it be ex-
17 ecuted by one surety, or by one or more sureties, or that such sureties be
18 residents or householders, or freeholders, or either or both, or possess any
19 other qualification.

20 (3) A surety insurer may be required to justify as surety. It shall be suf-
21 ficient justification for such surety insurer when examined as to its quali-
22 fications to exhibit the certificate of authority issued to it by the Director
23 of the Department of Consumer and Business Services or a certified copy
24 thereof.

25 **SECTION 36.** ORS 742.356 is amended to read:

26 742.356. (1) Any surety insurer may contract for and receive and hold on
27 deposit and in trust property of any kind as collateral security on any **bail**
28 **bond**, policy of guaranty or suretyship executed by [*it. The*] **the surety**
29 **insurer. The surety** insurer may manage, realize on and dispose of the
30 property so received and held on deposit as may be agreed to between [*it*]
31 **the surety insurer** and the person making the deposit.

1 (2) Any receiver, assignee, guardian, conservator, trustee, executor, ad-
2 ministrator or other fiduciary or party from whom a policy of guaranty or
3 suretyship is by law required or permitted may agree and arrange with the
4 surety insurer for the deposit for safekeeping of any or all moneys, assets
5 and other property for which the person is or may be responsible in a bank,
6 savings bank, safe deposit or trust company authorized by law to do business
7 as such, in such manner as to prevent the withdrawal or alienation of such
8 money, assets or other property, or any part thereof, without the written
9 consent of the surety insurer or an order of a court of competent jurisdiction
10 or a judge thereof made on such notice to the surety insurer as the court
11 or judge may direct.

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

15 **SECTION 37.** ORS 703.430 is amended to read:

16 703.430. (1) The Department of Public Safety Standards and Training shall
17 issue:

18 (a) A private investigator's license if the applicant has satisfied the re-
19 quirements of ORS 703.415 and 703.425 and is in compliance with the rules
20 of the Board on Public Safety Standards and Training and the department.

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

25 **(2) A person may not act as a bail recovery agent in this state un-**
26 **less the person is issued a private investigator's license under this**
27 **section with an endorsement as a bail recovery agent issued under this**
28 **subsection. The board shall adopt rules establishing requirements,**
29 **procedures and fees for issuing an endorsement as a bail recovery**
30 **agent and the scope and duration of the endorsement. The require-**
31 **ments must include training and continuing education in the lawful**

1 **location and apprehension of fugitive criminal defendants.**

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

3 (a) A temporary investigator's license to a person licensed as an investi-
4 gator by another jurisdiction. The board shall adopt rules to carry out this
5 paragraph including, but not limited to, rules establishing requirements,
6 procedures and fees for issuing a temporary investigator's license and the
7 scope and duration of the license.

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

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

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

14 (C) Has never been convicted of, pleaded guilty or no contest to or for-
15 feited security for a crime; and

16 (D) Meets all requirements established by the board by rule including, but
17 not limited to, rules establishing requirements, procedures and fees for issu-
18 ing an interim investigator's license and the scope and duration of the li-
19 cense.

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

23 [(3)] (5) A license issued under subsection (1) of this section expires two
24 years following the date of issuance or on the assigned renewal date.

25 **SECTION 38.** ORS 181.637 is amended to read:

26 181.637. (1) The Board on Public Safety Standards and Training shall es-
27 tablish the following policy committees:

28 (a) Corrections Policy Committee;

29 (b) Fire Policy Committee;

30 (c) Police Policy Committee;

31 (d) Telecommunications Policy Committee; and

1 (e) Private Security Policy Committee.

2 (2) The members of each policy committee shall select a chairperson and
3 vice chairperson for the policy committee. Only members of the policy com-
4 mittee who are also members of the board are eligible to serve as a chair-
5 person or vice chairperson. The vice chairperson may act as chairperson in
6 the absence of the chairperson.

7 (3) The Corrections Policy Committee consists of:

8 (a) All of the board members who represent the corrections discipline;

9 (b) The chief administrative officer of the training division of the De-
10 partment of Corrections;

11 (c) A security manager from the Department of Corrections recommended
12 by the Director of the Department of Corrections; and

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

15 (A) One person recommended by and representing the Oregon State
16 Sheriffs' Association;

17 (B) Two persons recommended by and representing the Oregon Sheriff's
18 Jail Command Council;

19 (C) One person recommended by and representing a statewide association
20 of community corrections directors;

21 (D) One nonmanagement corrections officer employed by the Department
22 of Corrections;

23 (E) One corrections officer who is a female, who is employed by the De-
24 partment of Corrections at a women's correctional facility and who is a
25 member of a bargaining unit; and

26 (F) Two nonmanagement corrections officers.

27 (4) The Fire Policy Committee consists of:

28 (a) All of the board members who represent the fire service discipline; and

29 (b) The following, who may not be current board members, appointed by
30 the chairperson of the board:

31 (A) One person recommended by and representing a statewide association

1 of fire instructors;

2 (B) One person recommended by and representing a statewide association
3 of fire marshals;

4 (C) One person recommended by and representing community college fire
5 programs;

6 (D) One nonmanagement firefighter recommended by a statewide organ-
7 ization of firefighters; and

8 (E) One person representing the forest protection agencies and recom-
9 mended by the State Forestry Department.

10 (5) The Police Policy Committee consists of:

11 (a) All of the board members who represent the law enforcement disci-
12 pline; and

13 (b) The following, who may not be current board members, appointed by
14 the chairperson of the board:

15 (A) One person recommended by and representing the Oregon Association
16 Chiefs of Police;

17 (B) Two persons recommended by and representing the Oregon State
18 Sheriffs' Association;

19 (C) One command officer recommended by and representing the Oregon
20 State Police; and

21 (D) Three nonmanagement law enforcement officers.

22 (6) The Telecommunications Policy Committee consists of:

23 (a) All of the board members who represent the telecommunications dis-
24 cipline; and

25 (b) The following, who may not be current board members, appointed by
26 the chairperson of the board:

27 (A) Two persons recommended by and representing a statewide associ-
28 ation of public safety communications officers;

29 (B) One person recommended by and representing the Oregon Association
30 Chiefs of Police;

31 (C) One person recommended by and representing the Oregon State Po-

1 lice;

2 (D) Two persons representing telecommunicators;

3 (E) One person recommended by and representing the Oregon State
4 Sheriffs' Association;

5 (F) One person recommended by and representing the Oregon Fire Chiefs
6 Association;

7 (G) One person recommended by and representing the Emergency Medical
8 Services and Trauma Systems Program of the Oregon Health Authority; and

9 (H) One person representing emergency medical services providers and
10 recommended by a statewide association dealing with fire medical issues.

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

12 (a) All of the board members who represent the private security industry;
13 and

14 (b) The following, who may not be current board members, appointed by
15 the chairperson of the board:

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

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

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

19 ~~[(C)]~~ (D) One person representing the health care industry;

20 ~~[(D)]~~ (E) One person representing the manufacturing industry;

21 ~~[(E)]~~ (F) One person representing the retail industry;

22 ~~[(F)]~~ (G) One person representing the hospitality industry;

23 ~~[(G)]~~ (H) One person representing private business or a governmental
24 entity that utilizes private security services;

25 ~~[(H)]~~ (I) One person representing persons who monitor alarm systems;

26 ~~[(I)]~~ (J) Two persons who are investigators licensed under ORS 703.430,
27 one of whom is recommended by the Oregon State Bar and one of whom is
28 in private practice; and

29 ~~[(J)]~~ (K) One person who represents the public at large and who is not
30 related within the second degree by affinity or consanguinity to a person
31 who is employed or doing business as a private security professional or

1 executive manager, as defined in ORS 181.870, or as an investigator, as de-
2 fined in ORS 703.401.

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

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

18 (10)(a) Each policy committee shall develop policies, requirements, stan-
19 dards and rules relating to its specific discipline. A policy committee shall
20 submit its policies, requirements, standards and rules to the board for the
21 board's consideration. When a policy committee submits a policy, require-
22 ment, standard or rule to the board for the board's consideration, the board
23 shall:

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

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

26 (C) Defer a decision and return the matter to the policy committee for
27 revision or reconsideration.

28 (b) The board may defer a decision and return a matter submitted by a
29 policy committee under paragraph (a) of this subsection only once. If a pol-
30 icy, requirement, standard or rule that was returned to a policy committee
31 is resubmitted to the board, the board shall take all actions necessary to

1 implement the policy, requirement, standard or rule unless the board disap-
2 proves the policy, requirement, standard or rule.

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

6 (11) At any time after submitting a matter to the board, the chairperson
7 of the policy committee may withdraw the matter from the board's consid-
8 eration.

9 **SECTION 39.** ORS 18.048 is amended to read:

10 18.048. (1) Except as provided in this section, the judgment document in
11 a criminal action that contains a money award, whether by reason of a fine,
12 restitution, forfeiture of security under [ORS 135.280] **section 8 of this 2015**
13 **Act**, a fee, an assessment, costs and disbursements or any other monetary
14 obligation, must contain a separate section clearly labeled at its beginning
15 as a money award. The separate section must be placed immediately above
16 the judge's or court administrator's signature. If the judgment includes an
17 award of restitution, the label of the separate section must so indicate.

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

20 (a) A listing of the specific amounts awarded as fines, assessments, costs,
21 restitution and any other monetary obligations imposed in the sentence as
22 part of the money award. If the court is unable to determine the full amount
23 of restitution at the time of sentencing, the court may include the amount
24 that can be determined or may establish a maximum amount.

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

28 (c) A statement that, subject to amendment of a judgment under ORS
29 137.107, money required to be paid as a condition of probation remains pay-
30 able after revocation of probation only if the amount is included in the
31 money award portion of the judgment document, even if the amount is re-

1 ferred to in other parts of the judgment document.

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

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

6 (3) The requirements of this section and ORS 18.038 do not apply to a
7 judgment document if the action was commenced by the issuance of a uni-
8 form citation adopted under ORS 1.525 and the court has used the space on
9 the citation for the entry of a judgment. The exemption provided by this
10 subsection does not apply if any indictment, information or complaint other
11 than a uniform citation is filed in the action.

12 (4) If a judgment is for conviction of a violation as described in ORS
13 153.008, the judgment creates a lien only if the court so orders. If a judgment
14 does not create a lien under this subsection, the judgment document need
15 not contain the separate money award section described by subsection (1) of
16 this section.

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

19 (6) A judgment in a criminal action that includes a money award, but does
20 not contain a separate section clearly labeled as a money award, does not
21 create a judgment lien but may be enforced by any other judgment remedy.

22 **SECTION 40.** ORS 25.715 is amended to read:

23 25.715. (1) The court may order that the portion of a security deposit made
24 under ORS 135.265 that would otherwise be returned to the person who made
25 the deposit or the amount of child support arrearages, whichever is less, be
26 paid to an obligee or the Division of Child Support of the Department of
27 Justice if:

28 (a) The defendant is an obligor who owes child support arrearages;

29 (b) The obligee or the administrator has filed a motion requesting the
30 court to make such an order;

31 (c) The obligee or the administrator has served the defendant with a copy

1 of the motion;

2 (d) The defendant has an opportunity to respond and request a hearing;
3 and

4 (e) The court has determined that such an order is appropriate.

5 (2) The court may order that a portion of a security deposit that is for-
6 feited under [*ORS 135.280*] **section 8 of this 2015 Act** be paid to the division
7 and be applied to any unsatisfied child support judgment and to provide se-
8 curity for child support payments in accordance with ORS 25.230 if:

9 (a) The defendant is an obligor who owes child support;

10 (b) The administrator has filed a motion requesting the court to make
11 such an order;

12 (c) The motion specifies the amount to be applied to the child support
13 judgment under [*ORS 135.280*] **section 8 of this 2015 Act**; and

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

15 **SECTION 41.** ORS 137.050 is amended to read:

16 137.050. (1) If the defendant has been released on a release agreement or
17 security deposit and does not appear for judgment when personal attendance
18 is required by the court, the court may order a forfeiture of the security
19 deposit as provided in [*ORS 135.280*] **section 8 of this 2015 Act**. In addition,
20 if the defendant fails to appear as required by the release agreement or se-
21 curity deposit, the court may direct the clerk to issue a bench warrant for
22 the defendant's arrest.

23 (2) At any time after the making of the order for the bench warrant, the
24 clerk, on the application of the district attorney, shall issue such warrant,
25 as by the order directed, whether the court is sitting or not.

26 **SECTION 42.** Sections 5 to 10 and 18 to 30 of this 2015 Act and the
27 amendments to ORS 18.048, 25.715, 33.075, 131.405, 133.450, 135.230,
28 135.245, 135.265, 135.280, 137.050, 138.250, 157.050, 181.637, 703.430, 731.036,
29 731.186, 731.292, 742.350, 742.356, 744.052 and 744.062 by sections 1 to 4,
30 11 to 17 and 31 to 41 of this 2015 Act become operative on January 1,
31 2017.

1 **SECTION 43.** (1) The Department of Consumer and Business Ser-
2 vices may take any action before the operative date specified in section
3 42 of this 2015 Act that is necessary for the department to exercise,
4 on and after the operative date specified in section 42 of this 2015 Act,
5 all of the duties, functions and powers conferred on the department
6 by sections 19 to 25, 27, 28 and 30 of this 2015 Act and the amendments
7 to ORS 731.036, 731.186, 731.292, 742.350, 742.356, 744.052 and 744.062 by
8 sections 16, 17 and 31 to 36 of this 2015 Act.

9 (2) The Department of Public Safety Standards and Training and
10 the Board on Public Safety Standards and Training may take any
11 action before the operative date specified in section 42 of this 2015 Act
12 that is necessary for the department or the board, as applicable, to
13 exercise, on and after the operative date specified in section 42 of this
14 2015 Act, all of the duties, functions and powers conferred on the de-
15 partment or the board by the amendments to ORS 181.637 and 703.430
16 by sections 37 and 38 of this 2015 Act.

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