

WRITTEN TESTIMONY ON SENATE BILL 55
BEFORE THE SENATE RULES COMMITTEE - MAY 12, 2015
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I am writing to encourage the committee to consider the -6 amendments to Senate Bill 55, as they address a number of Oregon Judicial Department (OJD) concerns with previous amendments to the bill.

Nearly all of the delinquent debt in the Judicial Department is owed by a person who is convicted of a crime or a violation. Much of this debt is initially imposed by a judge in open court, either as a fine intended to deter unlawful conduct or as restitution that provides compensation to victims of crime. This debt survives for either 20 or 50 years, depending on the type of case. When court debt becomes delinquent, it is transferred through an automated process to the Department of Revenue or a private collection agency in accordance with ORS 1.197.

The Legislative Assembly has recognized that debt created in the judicial branch of state government is fundamentally different than debt created in the executive branch. Under current law, one series of statutes applies to judicially imposed debt (ORS 1.194 to 1.202) and a separate series of statutes applies to debt owed to executive branch agencies (ORS 293.227 to 293.233). While there are similarities when, for example, the Department of Revenue collects delinquent accounts, the Legislative Assembly has carefully constructed a system that recognizes the significant practical and legal differences between debt created in the judicial and executive branches. The -6 amendments to Senate Bill 55 retain this existing balance, by thoughtfully employing different definitions of "state agency."

As an example, the -6 amendments include OJD in a new provision of law that establishes authority to provide for a setoff of any refunds or sums owed a debtor by a state agency. On the other hand, the -6 amendments exclude OJD from sections in the bill granting the Department of Administrative Services (DAS) rulemaking authority over distinctly judicial processes, including the design of court forms.

Finally, the -6 amendments continue the policy choice contained in the -5 amendments that authorizes OJD to compromise certain criminal judgments. OJD has no position on this policy. If the Legislative Assembly chooses to pursue this policy choice, we ask that you consider the mechanism in the -6, which provides the Chief Justice of the Oregon Supreme Court – rather than DAS – the authority to establish criteria governing this process.

OJD will continue working with the Legislative Assembly, executive branch agencies and others to improve both our collection efforts and the provisions of SB 55.

Thank you for your time and for your consideration of the -6 amendments.