

## HOUSE AMENDMENTS TO HOUSE BILL 2340

By COMMITTEE ON JUDICIARY

March 4

1 On page 2 of the printed bill, delete lines 23 through 45.

2 On page 3, delete lines 1 through 20 and insert:

3 “**SECTION 2.** ORS 18.048 is amended to read:

4 “18.048. (1) Except as provided in this section, the judgment document in a criminal action that  
5 contains a money award, whether by reason of a fine, restitution, forfeiture of security under ORS  
6 135.280, a fee, an assessment, costs and disbursements or any other monetary obligation, must con-  
7 tain a separate section clearly labeled at its beginning as a money award. The separate section must  
8 be placed immediately above the judge’s or court administrator’s signature. If the judgment includes  
9 an award of restitution, the label of the separate section must so indicate.

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

12 “(a) A listing of the specific amounts awarded as fines, assessments, costs, restitution and any  
13 other monetary obligations imposed in the sentence as part of the money award. If the court is un-  
14 able to determine the full amount of restitution at the time of sentencing, the court may include the  
15 amount that can be determined or may establish a maximum amount.

16 “(b) If restitution or a compensatory fine is ordered, the name [*and address*] of the person to  
17 whom the court should disburse payments, unless the victim requests that this information be ex-  
18 empt from disclosure in the public record.

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

23 “(d) Unless immediate payment is required, the specific terms of payment imposed or allowed  
24 by the court.

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

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

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

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

3           “(6) A judgment in a criminal action that includes a money award, but does not contain a sep-  
4 arate section clearly labeled as a money award, does not create a judgment lien but may be enforced  
5 by any other judgment remedy.”

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