

A-Engrossed
House Bill 3168

Ordered by the House April 16
Including House Amendments dated April 16

Sponsored by Representative BENTZ; Representatives OLSON, POST

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Authorizes court to waive **unpaid portion of** previously imposed criminal fine if defendant demonstrates **financial hardship that prevents** completion of drug treatment program.

Authorizes court to enter supplemental judgment modifying or remitting money award for appointed counsel costs if defendant can show that payment would interfere with ability to complete drug treatment program.

A BILL FOR AN ACT

1
2 Relating to monetary obligations of defendants; creating new provisions; and amending ORS 137.286
3 and 151.505.

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

5 **SECTION 1.** ORS 137.286 is amended to read:

6 137.286. (1) Unless a specific minimum fine is provided by law, the minimum fine for a
7 misdemeanor is \$100.

8 (2) Unless a specific minimum fine is provided by law, the minimum fine for a felony is \$200.

9 (3) A court may waive payment of the minimum fine established by this section, in whole or in
10 part, if the court finds that requiring payment of the minimum fine would be inconsistent with jus-
11 tice in the case. In making its determination under this subsection, the court shall consider:

12 (a) The financial resources of the defendant and the burden that payment of the minimum fine
13 will impose, with due regard to the other obligations of the defendant; and

14 (b) The extent to which that burden can be alleviated by allowing the defendant to pay the
15 monetary obligations imposed by the court on an installment basis or on other conditions to be fixed
16 by the court.

17 (4) This section does not affect the manner in which a court imposes or reduces monetary obli-
18 gations other than fines.

19 **(5) During any period of supervision that is part of the defendant's sentence, the court**
20 **retains jurisdiction under this subsection for the limited purpose of waiving any unpaid por-**
21 **tion of a fine previously imposed if the defendant is able to establish a financial hardship that**
22 **prevents the defendant from completing a drug treatment program that was required as a**
23 **condition of supervision. Any moneys received in payment of the fine prior to the waiver**
24 **may not be returned to the defendant.**

25 **SECTION 2.** ORS 151.505 is amended to read:

26 151.505. (1) At the conclusion of a case or matter in which the first accusatory instrument or

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 petition in the trial court was filed after January 1, 1998, and in which the court appointed counsel
2 to represent a person, a trial, appellate or post-conviction court may include in its judgment a
3 money award requiring that the person repay in full or in part the administrative costs of deter-
4 mining the eligibility of the person for appointed counsel, and the costs of the legal and other ser-
5 vices that are related to the provision of appointed counsel, that have not previously been required
6 to be paid under a limited judgment entered under ORS 151.487. An award under this section is a
7 monetary obligation payable to the state.

8 (2) Costs that may be included in a money award under this section include a reasonable at-
9 torney fee for counsel appointed to represent the person and a reasonable amount for expenses au-
10 thorized under ORS 135.055. A reasonable attorney fee is presumed to be a reasonable number of
11 hours at the hourly rate authorized by the Public Defense Services Commission under ORS 151.216.
12 For purposes of this subsection, compensation of counsel is determined by reference to a schedule
13 of compensation established by the commission.

14 (3) The court may not require a person to pay costs under this section unless the person is or
15 may be able to pay the costs. In determining the amount and method of payment of costs, the court
16 shall take account of the financial resources of the person and the nature of the burden that pay-
17 ment of costs will impose.

18 (4) A person who has been required to pay costs under this section and who is not in
19 contumacious default in the payment of the costs may at any time petition the court for remission
20 of the payment of costs or any unpaid portion of the costs. If it appears to the satisfaction of the
21 court that payment of the amount due will impose manifest hardship on the person ordered to repay
22 or on the immediate family of the person, **or will interfere with the ability of the person to**
23 **complete a drug treatment program**, the court may enter a supplemental judgment that remits
24 all or part of the amount due or modifies the method of payment.

25 (5) All moneys collected or paid under a money award made pursuant to this section shall be
26 paid into the Criminal Fine Account. If the money award is part of a criminal judgment of con-
27 viction, the award is a Type 2, Level II obligation for the purpose of ORS 137.145 to 137.159.

28 **SECTION 3. The amendments to ORS 137.286 and 151.505 by sections 1 and 2 of this 2015**
29 **Act apply to judgments entered on or after the effective date of this 2015 Act.**

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