

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 391**

1 On page 1 of the printed A-engrossed bill, line 2, after “deposits;” delete  
2 the rest of the line and insert “amending ORS 135.265 and 135.270.”.

3 Delete lines 4 through 23 and insert:

4 **“SECTION 1.** ORS 135.265 is amended to read:

5 “135.265. (1) If the defendant is not released on personal recognizance  
6 under ORS 135.255, or granted conditional release under ORS 135.260, or fails  
7 to agree to the provisions of the conditional release, the magistrate shall set  
8 a security amount that will reasonably assure the defendant’s appearance.  
9 The defendant shall execute the security release in the amount set by the  
10 magistrate.

11 “(2) The defendant shall execute a release agreement and deposit with the  
12 clerk of the court before which the proceeding is pending a sum of money  
13 equal to 10 percent of the security amount, but in no event shall such deposit  
14 be less than \$25. The clerk shall issue a receipt for the sum deposited. Upon  
15 depositing this sum the defendant shall be released from custody subject to  
16 the condition that the defendant appear to answer the charge in the court  
17 having jurisdiction on a day certain and thereafter as ordered by the court  
18 until discharged or final order of the court. Once security has been given  
19 and a charge is pending or is thereafter filed in or transferred to a court of  
20 competent jurisdiction the latter court shall continue the original security  
21 in that court subject to ORS 135.280 and 135.285. When conditions of the  
22 release agreement have been performed and the defendant has been dis-

1 charged from all obligations in the cause, the clerk of the court shall return  
2 to the person shown by the receipt to have made the deposit, unless the court  
3 orders otherwise, 85 percent of the sum which has been deposited and shall  
4 retain as security release costs 15 percent, but not less than \$5 nor more  
5 than \$750, of the amount deposited. The interest that has accrued on the full  
6 amount deposited shall also be retained by the clerk. The amount retained  
7 by the clerk of a circuit court shall be paid over as directed by the State  
8 Court Administrator for deposit in the General Fund. The amount retained  
9 by a justice of the peace shall be deposited in the county treasury. The  
10 amount retained by the clerk of a municipal court shall be deposited in the  
11 municipal corporation treasury. At the request of the defendant the court  
12 may order whatever amount is repayable to defendant from such security  
13 amount to be paid to defendant's attorney of record.

14 “(3) Instead of the security deposit provided for in subsection (2) of this  
15 section the defendant may deposit with the clerk of the court an amount  
16 equal to the security amount in cash, **cashier's checks, money orders,**  
17 **credit cards,** stocks, bonds, or real or personal property situated in this  
18 state with equity not exempt owned by the defendant or sureties worth dou-  
19 ble the amount of security set by the magistrate. The stocks, bonds, real or  
20 personal property shall in all cases be justified by affidavit. The magistrate  
21 may further examine the sufficiency of the security as the magistrate con-  
22 siders necessary. **If the security is sufficient, the magistrate, or the**  
23 **designee of the magistrate if a person is designated to take security**  
24 **and release defendants under ORS 135.270, shall accept the cash,**  
25 **cashier's checks, money orders, credit cards, stocks, bonds or real or**  
26 **personal property instead of the security deposit described in sub-**  
27 **section (2) of this section.”.**

28 In line 24, delete “3” and insert “2”.

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