

House Bill 4123

Sponsored by Representative FREDERICK, Senator DEMBROW (Pre-session filed.)

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 **as introduced**.

Directs State Board of Parole and Post-Prison Supervision to establish by rule community service exchange program for person to enter into agreement with community-based organization to perform community service in lieu of payment for delinquent fines or debts.

Excludes certain fees from application of community service exchange program.

Defines terms.

Requires community-based organization to notify board when person has fulfilled community service.

Requires board to notify court clerk if board waives delinquent fines or debts.

Adds community service exchange program as alternative to payment of attorney fees.

A BILL FOR AN ACT

1
2 Relating to prisoner reentry; creating new provisions; and amending ORS 151.505.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Community-based organization” means a not-for-profit organization or entity that**
6 **is authorized to provide services to reduce recidivism and assist a person with reentry into**
7 **the workforce and the community.**

8 (b) **“Community service” has the meaning given that term under ORS 137.126.**

9 (c) **“Delinquent fines or debts” means unpaid costs for conviction, attorney fees or costs**
10 **related to criminal conviction that a person accumulated while incarcerated or while serving**
11 **an active period of parole or post-prison supervision.**

12 (d) **“Person” means an individual who was incarcerated or detained in a correctional fa-**
13 **ility for violation of a criminal law and who is serving an active period of parole or post-**
14 **prison supervision under the jurisdiction of the State Board of Parole and Post-Prison**
15 **Supervision.**

16 (2) **The State Board of Parole and Post-Prison Supervision shall establish by rule a com-**
17 **munity service exchange program to allow a person, when the board determines that paying**
18 **delinquent fines or debts imposes a barrier to the person’s successful reentry into the com-**
19 **munity, to enter into a written agreement with a community-based organization to perform**
20 **community service in lieu of payment of the delinquent fines or debts.**

21 (3) **The community service exchange program may not result in a waiver of unpaid bal-**
22 **ances for:**

23 (a) **Restitution or compensatory fines imposed under ORS 137.101 to 137.109;**

24 (b) **Unpaid obligations imposed by a support order under ORS chapter 25;**

25 (c) **Minimum fines for misdemeanors and felonies under ORS 137.286; or**

26 (d) **Fines for traffic offenses.**

27 (4) **In order to be eligible to participate in the community service exchange program, no**

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 **later than 12 months after release from incarceration, a person must:**

2 (a) **Enter into a written agreement with a community-based organization to perform**
 3 **community service in exchange for a conditional waiver of delinquent fines or debts; and**

4 (b) **Obtain the approval of the terms of the written agreement of the board.**

5 (5) **A community-based organization shall supervise and record the community service**
 6 **that a person performs to fulfill the requirements established by the written agreement de-**
 7 **scribed under this section. When the person has fulfilled the requirements, the community-**
 8 **based organization shall notify the board and the board shall send a notice of conditional**
 9 **waiver of delinquent fines or debts to the clerk of the court of the county where the person**
 10 **was convicted. Upon receipt of the notice of conditional waiver from the board, the clerk**
 11 **shall update the record of monetary obligations imposed for the convictions to reflect the**
 12 **conditional waiver.**

13 (6) **After 60 months from the date of the written agreement described in this section has**
 14 **passed, the clerk of the court shall verify that the person has not been convicted of a new**
 15 **crime in Oregon. If the person has been convicted of a new crime, the clerk shall terminate**
 16 **the conditional waiver and the person must pay the delinquent fines or debts. If the person**
 17 **has not been convicted of a new crime, the clerk shall update the record of monetary obli-**
 18 **gations imposed of the convictions to reflect that the waiver is permanent.**

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

20 151.505. (1) At the conclusion of a case or matter in which the first accusatory instrument or
 21 petition in the trial court was filed after January 1, 1998, and in which the court appointed counsel
 22 to represent a person, a trial, appellate or post-conviction court may include in its judgment a
 23 money award requiring that the person repay in full or in part the administrative costs of deter-
 24 mining the eligibility of the person for appointed counsel, and the costs of the legal and other ser-
 25 vices that are related to the provision of appointed counsel, that have not previously been required
 26 to be paid under a limited judgment entered under ORS 151.487. An award under this section is a
 27 monetary obligation payable to the state.

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

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

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

45 (b) **In accordance with section 1 of this 2016 Act, a person may enter into a written**

1 **agreement to participate in a community service exchange program as an alternative to**
2 **paying costs imposed under this section.**

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

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