

HB 2896 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 4/10, 4/18

WHAT THE MEASURE DOES:

Prohibits court from issuing warrant or sanction of confinement for contempt because of a judgment debtor's failure to comply with judgment debtor examination or written interrogatories. Declares emergency, effective on passage.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

- How courts would be able to address a failure to appear
- Need for amendment

EFFECT OF AMENDMENT:

-1 Allows for warrant if defendant failed to comply with at least two prior orders to appear.

BACKGROUND:

In Oregon, a judgment creditor may ask the court for an order requiring the judgment creditor to appear and answer under oath questions concerning any property or interest in property that the judgment debtor may have. A judgment creditor may also serve the judgment debtor with written interrogatories relating to the judgment debtor's property and financial affairs. A court may impose remedial or punitive sanctions for conduct violating a court order, including when a judgment debtor fails to appear in court for an examination or to answer interrogatories. House Bill 2896 prohibits a court from imposing a sanction of confinement or issuing a warrant for contempt when a judgment debtor fails to comply with an examination or written interrogatories. HB 2896 also prohibits a court from issuing a warrant to compel the judgment debtor's attendance when he or she has failed to appear on a contempt complaint that was issued because of the failure to comply with an examination or written interrogatories.