

# A-Engrossed Senate Bill 360

Ordered by the Senate April 21  
Including Senate Amendments dated April 21

Sponsored by Senator FREDERICK; Senator MANNING JR (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.

*[Directs Department of Corrections 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 fees or debts and supervision fees.]*

*[Excludes certain fees from application of community service exchange program.]*

*[Defines terms.]*

*[Requires community-based organization to notify local supervising agency when person has fulfilled community service.]*

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

**Directs each county to establish community service exchange program for persons who have served sentence with Department of Corrections and who are serving active period of parole or post-prison supervision. Requires program participants to enter into agreement with community-based organization to perform community service in lieu of payment for delinquent fees or debts, including attorney fees and supervision fees. Authorizes local supervisory authority to determine participation in program. Excludes certain fees from disposition through program.**

**Requires community-based organization to monitor person's participation in program and notify local supervisory authority when person has fulfilled community service.**

**Becomes operative January 1, 2018. Authorizes counties to take any action prior to operative date to establish community service exchange program, in order for program to be operational on and after January 1, 2018.**

**Takes effect on 91st day following adjournment sine die.**

## A BILL FOR AN ACT

1  
2 Relating to prisoner reentry; creating new provisions; amending ORS 151.505; and prescribing an  
3 effective date.

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

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

6 (a) **"Community-based organization" means a not-for-profit organization or entity or a**  
7 **local or county government.**

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

9 (c) **"Delinquent fees or debts" means:**

10 (A) **Unpaid costs for conviction;**

11 (B) **Attorney fees;**

12 (C) **Costs related to criminal conviction that a person accumulated while incarcerated;**

13 **or**

14 (D) **Fees of any judgment that includes a monetary obligation that the court or judicial**  
15 **branch is charged with collecting as described in ORS 1.202.**

16 (d) **"Person" means an individual who has served a sentence in the legal and physical**  
17 **custody of the Department of Corrections and who is serving an active period of parole 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 **post-prison supervision.**

2 (e) **“Supervisory authority” has the meaning given that term under ORS 144.087.**

3 (2)(a) **The county governing body of each county shall establish a community service ex-**  
4 **change program for the county.**

5 (b) **The local supervisory authority may determine whether to participate in the com-**  
6 **munity service exchange program.**

7 (c) **The local supervisory authority may determine whether a community-based organ-**  
8 **ization qualifies for the community service exchange program.**

9 (d) **A person may not participate in the community service exchange program more than**  
10 **once.**

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

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

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

15 (c) **Fines for misdemeanors and felonies under ORS 137.286; or**

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

17 (4) **In order to be eligible to participate in the community service exchange program, a**  
18 **person must:**

19 (a) **Enter into a written agreement with a community-based organization to perform**  
20 **community service in exchange for a waiver of delinquent fees or debts and supervision fees;**  
21 **and**

22 (b) **Obtain the approval of the terms of the written agreement of the local supervisory**  
23 **authority.**

24 (5) **A community-based organization shall supervise and record the community service**  
25 **that a person performs to fulfill the requirements established by the written agreement de-**  
26 **scribed under this section. The community-based organization shall notify the local supervi-**  
27 **sory authority as soon as a person has entered into the community service exchange**  
28 **program and when the person has successfully fulfilled or failed to meet the requirements**  
29 **of the program.**

30 (6) **Within 30 days of the local supervisory authority’s receiving notification that a person**  
31 **is participating in the community service exchange program:**

32 (a) **The local supervisory authority shall notify the court of the county in which the**  
33 **person was convicted. Notwithstanding ORS 137.143, upon notification from the local super-**  
34 **visory authority, the court shall suspend all collection activity of delinquent fees or debts.**

35 (b) **If a person is under the supervision of a community corrections agency, the local**  
36 **supervisory authority shall notify the community corrections agency. The community cor-**  
37 **rections agency or the local supervisory authority shall cause all collection of supervision**  
38 **fees, including but not limited to those ordered pursuant to ORS 423.570, to be ceased.**

39 (c) **If the person is under the supervision of the local supervisory authority, the local**  
40 **supervisory authority shall cause all collection of supervision fees, including but not limited**  
41 **to those ordered pursuant to ORS 423.570, to be ceased.**

42 (7)(a) **When a person has successfully fulfilled the requirements of the community ser-**  
43 **vice exchange program, the community-based organization shall notify the local supervisory**  
44 **authority and the local supervisory authority shall send a notice of completion to the court**  
45 **of the county in which the person was convicted.**

1       **(b) If the person is under the supervision of the local supervisory authority, upon notifi-**  
2 **cation of completion from the community-based organization, the local supervisory authority**  
3 **shall waive the supervision fees, including but not limited to those ordered pursuant to ORS**  
4 **423.570.**

5       **(c) If the person is under the supervision of a community corrections agency or other**  
6 **local supervisory authority, upon notification of completion from the community-based or-**  
7 **ganization, the local supervisory authority shall notify the community corrections agency**  
8 **and the community corrections agency or local supervisory authority shall waive the super-**  
9 **vision fees, including but not limited to those ordered pursuant to ORS 423.570, and the local**  
10 **supervisory authority may waive all other fees to offset the costs of supervision.**

11       **(d) Upon notification of completion from the local supervisory authority, the court shall**  
12 **update the record of monetary obligations imposed for the convictions to reflect a waiver of**  
13 **delinquent fees or debts.**

14       **(8) If a person fails to meet the requirements of the community service exchange pro-**  
15 **gram:**

16       **(a) The community-based organization shall notify the local supervisory authority and,**  
17 **if applicable, the local supervisory authority shall notify the community corrections agency**  
18 **or other local supervisory authority. Upon notification, the local supervisory authority or the**  
19 **community corrections agency shall resume collection of the supervision fees, including but**  
20 **not limited to those ordered pursuant to ORS 423.570.**

21       **(b) Within 30 days of the local supervisory authority's receiving notification from the**  
22 **community-based organization, the local supervisory authority shall notify the court of the**  
23 **county in which the person was convicted.**

24       **(c) Upon notification from the local supervisory authority, the court shall resume col-**  
25 **lection of delinquent fees or debts.**

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

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

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

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

45       (4)(a) A person who has been required to pay costs under this section and who is not in

1 contumacious default in the payment of the costs may at any time petition the court for remission  
2 of the payment of costs or any unpaid portion of the costs. If it appears to the satisfaction of the  
3 court that payment of the amount due will impose manifest hardship on the person ordered to repay  
4 or on the immediate family of the person, or will interfere with the ability of the person to complete  
5 an alcohol or drug treatment program, the court may enter a supplemental judgment that remits all  
6 or part of the amount due or modifies the method of payment.

7 **(b) In accordance with section 1 of this 2017 Act, a person may enter into a written**  
8 **agreement to participate in a community service exchange program as an alternative to**  
9 **paying costs imposed under this section.**

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

13 **SECTION 3. Section 1 of this 2017 Act and the amendments to ORS 151.505 by section 2**  
14 **of this 2017 Act become operative January 1, 2018.**

15 **SECTION 4. Each county may take any action to establish a community service exchange**  
16 **program in order for the program to be operational on and after January 1, 2018.**

17 **SECTION 5. This 2017 Act takes effect on the 91st day after the date on which the 2017**  
18 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.**

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