

Requested by Senator FREDERICK

**PROPOSED AMENDMENTS TO
SENATE BILL 360**

1 On page 1 of the printed bill, line 2, delete “and” and after “151.505” in-
2 sert “; and prescribing an effective date.”.

3 Delete lines 4 through 28 and delete pages 2 through 4 and insert:

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

5 **“(a) ‘Community-based organization’ means a not-for-profit organ-
6 ization or entity or a local or county government.**

7 **“(b) ‘Community service’ has the meaning given that term under
8 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
13 while incarcerated; or**

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

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

20 **“(e) ‘Supervisory authority’ has the meaning given that term under
21 ORS 144.087.**

1 **“(2)(a) The county governing body of each county shall establish a**
2 **community service exchange program for the county.**

3 **“(b) The local supervisory authority may determine whether to**
4 **participate in the community service exchange program.**

5 **“(c) The local supervisory authority may determine whether a**
6 **community-based organization qualifies for the community service**
7 **exchange program.**

8 **“(d) A person may not participate in the community service ex-**
9 **change program more than once.**

10 **“(3) The community service exchange program may not result in a**
11 **waiver of unpaid balances for:**

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

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

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

17 **“(d) Fines for traffic offenses.**

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

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

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

25 **“(5) A community-based organization shall supervise and record the**
26 **community service that a person performs to fulfill the requirements**
27 **established by the written agreement described under this section. The**
28 **community-based organization shall notify the local supervisory au-**
29 **thority as soon as a person has entered into the community service**
30 **exchange program and when the person has successfully fulfilled or**

1 failed to meet the requirements of the program.

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

5 “(a) The local supervisory authority shall notify the court of the
6 county in which the person was convicted. Notwithstanding ORS
7 137.143, upon notification from the local supervisory authority, the
8 court shall suspend all collection activity of delinquent fees or debts.

9 “(b) If a person is under the supervision of a community corrections
10 agency, the local supervisory authority shall notify the community
11 corrections agency. The community corrections agency or the local
12 supervisory authority shall cause all collection of supervision fees,
13 including but not limited to those ordered pursuant to ORS 423.570, to
14 be ceased.

15 “(c) If the person is under the supervision of the local supervisory
16 authority, the local supervisory authority shall cause all collection of
17 supervision fees, including but not limited to those ordered pursuant
18 to ORS 423.570, to be ceased.

19 “(7)(a) When a person has successfully fulfilled the requirements
20 of the community service exchange program, the community-based
21 organization shall notify the local supervisory authority and the local
22 supervisory authority shall send a notice of completion to the court
23 of the county in which the person was convicted.

24 “(b) If the person is under the supervision of the local supervisory
25 authority, upon notification of completion from the community-based
26 organization, the local supervisory authority shall waive the super-
27 vision fees, including but not limited to those ordered pursuant to ORS
28 423.570.

29 “(c) If the person is under the supervision of a community cor-
30 rections agency or other local supervisory authority, upon notification

1 of completion from the community-based organization, the local su-
2 pervisory authority shall notify the community corrections agency and
3 the community corrections agency or local supervisory authority shall
4 waive the supervision fees, including but not limited to those ordered
5 pursuant to ORS 423.570, and the local supervisory authority may
6 waive all other fees to offset the costs of supervision.

7 “(d) Upon notification of completion from the local supervisory
8 authority, the court shall update the record of monetary obligations
9 imposed for the convictions to reflect a waiver of delinquent fees or
10 debts.

11 “(8) If a person fails to meet the requirements of the community
12 service exchange program:

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

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

24 “(c) Upon notification from the local supervisory authority, the
25 court shall resume collection 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
28 accusatory instrument or petition in the trial court was filed after January
29 1, 1998, and in which the court appointed counsel to represent a person, a
30 trial, appellate or post-conviction court may include in its judgment a money

1 award requiring that the person repay in full or in part the administrative
2 costs of determining the eligibility of the person for appointed counsel, and
3 the costs of the legal and other services that are related to the provision of
4 appointed counsel, that have not previously been required to be paid under
5 a limited judgment entered under ORS 151.487. An award under this section
6 is a monetary obligation payable to the state.

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

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

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

29 “(b) **In accordance with section 1 of this 2017 Act, a person may**
30 **enter into a written agreement to participate in a community service**

1 **exchange program as an alternative to paying costs imposed under this**
2 **section.**

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

7 **“SECTION 3. Section 1 of this 2017 Act and the amendments to ORS**
8 **151.505 by section 2 of this 2017 Act become operative January 1, 2018.**

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

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

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