

# House Bill 4142

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Chief Justice Martha L. Walters for Oregon Judicial Department)

## 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**.

Eliminates minimum amount of fee added to judgment that includes monetary obligation that court or judicial branch is charged with collecting.

Modifies authority of Chief Justice of the Supreme Court with regard to waiver or suspension of certain fees by courts and commissions, departments and divisions in judicial branch.

Clarifies provisions relating to prohibition of compromise of restitution or compensatory fine in criminal money judgment.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to collection of court-imposed financial obligations; amending ORS 1.202 and 293.240; and  
3 prescribing an effective date.

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

5 **SECTION 1.** ORS 1.202 is amended to read:

6 1.202. (1) All circuit courts and appellate courts of this state, and all commissions, departments  
7 and divisions in the judicial branch of state government, shall add a fee of [*not less than \$50 and*]  
8 not more than \$200 to any judgment that includes a monetary obligation that the court or judicial  
9 branch is charged with collecting. The fee shall cover the cost of establishing and administering an  
10 account for the debtor and shall be added without further notice to the debtor or further order of  
11 the court. The fee shall be added only if the court gives the defendant a period of time in which to  
12 pay the obligation after the financial obligation is imposed. Fees under this subsection shall be de-  
13 posited in the General Fund.

14 (2) All circuit courts and appellate courts of this state, and all commissions, departments and  
15 divisions in the judicial branch of state government, that use private collection agencies, the De-  
16 partment of Revenue or an offset of federal tax refunds pursuant to an agreement entered into under  
17 ORS 1.196 shall add a fee to any judgment referred for collection that includes a monetary obli-  
18 gation that the state court or the commission, department or division is charged with collecting. A  
19 fee to cover the costs of collecting judgments referred to the private collection agency, the De-  
20 partment of Revenue, the United States Financial Management Service or the Internal Revenue  
21 Service shall be added to the monetary obligation without further notice to the debtor or further  
22 order of the court. The fee may not exceed the actual costs of collecting the judgment.

23 (3) The Chief Justice of the Supreme Court may authorize [*courts*] **or direct circuit courts and**  
24 **appellate courts of this state, and all commissions, departments and divisions in the judicial**  
25 **branch of state government**, to waive or suspend the fees required to be added to judgments under  
26 this section. Except to the extent authorized by the Chief Justice, a court may not waive or suspend  
27 the fees required to be added to judgments under this section.

28 **SECTION 2.** ORS 293.240 is amended to read:

**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       293.240. (1) If a state agency has made all reasonable efforts to collect money owed to the  
2 agency and has determined that the money and any interest or penalties on the money are un-  
3 collectible, the agency may write off the debt on its accounts.

4       (2) Before determining that money is uncollectible under subsection (1) of this section, a state  
5 agency must adopt criteria for determining when money is uncollectible. The criteria must include  
6 the right of offset and must be approved by the Attorney General.

7       (3)(a) A state agency, the Department of Revenue collecting on an account under ORS 293.250  
8 or a private collection agency collecting on an account under ORS 293.231 may propose and accept  
9 offers of compromise for settlement of a debt owed to a state agency. Before proposing or accepting  
10 an offer of compromise, a state agency must adopt criteria for determining when offers of compro-  
11 mise may be made. The criteria must be approved by:

12       (A) The Attorney General in the case of the Secretary of State and State Treasurer;

13       (B) The Chief Justice in the case of all state courts and all commissions, departments and divi-  
14 sions in the judicial branch of state government; or

15       (C) The Oregon Department of Administrative Services and the Attorney General in the case  
16 of other state agencies.

17       (b) A private collection agency or the Department of Revenue shall accept an offer of compro-  
18 mise for settlement of a debt owed to a state agency:

19       (A) In accordance with the criteria adopted by the state agency to which the debt is owed; and

20       (B) With the authorization of the state agency to which the debt is owed.

21       (c) This subsection does not allow the compromise of **the amount of restitution or a**  
22 **compensatory fine in** a criminal money judgment [*that requires a defendant to pay restitution or a*  
23 *compensatory fine*].

24       (4) This section does not apply to debts owed to a state agency for which a procedure for com-  
25 promise, release, discharge, waiver, cancellation or other form of settlement for the debt for reasons  
26 other than uncollectibility is by law made specially applicable to the state agency.

27       **SECTION 3. This 2020 Act takes effect on the 91st day after the date on which the 2020**  
28 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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