SENATE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED HOUSE BILL 2233

By COMMITTEE ON RULES

June 30

On page 4 of the printed A-engrossed bill, after line 3, insert:

"**SECTION 3a. If House Bill 2359 becomes law, section 3 of this 2005 Act (amending ORS 18.048) is repealed and ORS 18.048, as amended by section 13, chapter _____, Oregon Laws 2005 (Enrolled House Bill 2359), is amended to read:**

"18.048. (1) Except as provided in this section, the judgment document in a criminal action that contains a money award, whether by reason of a fine, restitution, forfeiture of security under ORS 135.280, a fee, an assessment, costs and disbursements or any other monetary obligation, must contain a separate section clearly labeled **at its beginning** as a money award. **The separate section must be placed immediately above the judge's or court administrator's signature. If the judgment includes an award of restitution, the label of the separate section must so indicate.**

"(2) The separate money award section described by subsection (1) of this section must contain the following information:

"(a) A listing of the specific amounts awarded as fines, assessments, costs, restitution and any other monetary obligations imposed in the sentence as part of the money award. If the court is unable to determine the full amount of restitution at the time of sentencing, the court may include the amount that can be determined or may establish a maximum amount.

"(b) If restitution or a compensatory fine is ordered, the name and address of the person to whom the court should disburse payments, unless the victim requests that this information be exempt from disclosure in the public record.

"(c) A statement that, subject to amendment of a judgment under ORS 137.107, money required to be paid as a condition of probation remains payable after revocation of probation only if the amount is included in the money award portion of the judgment document, even if the amount is referred to in other parts of the judgment document.

"(d) Unless immediate payment is required, the specific terms of payment imposed or allowed by the court.

"(e) If payment of all or part of a monetary obligation is suspended, a statement specifying the nature and amount of the suspended obligations.

"(3) The requirements of this section and ORS 18.038 do not apply to a judgment document if the action was commenced by the issuance of a uniform citation adopted under ORS 1.525 and the court has used the space on the citation for the entry of a judgment. The exemption provided by this subsection does not apply if any indictment, information or complaint other than a uniform citation is filed in the action.

"(4) If a judgment is for conviction of a violation as described in ORS 153.008, the judgment creates a lien only if the court so orders. If a judgment does not create a lien under this subsection, the judgment document need not contain the separate money award section described by subsection

(1) of this section.

"(5) A judgment in a criminal action that contains a money award is a judgment in favor of the state and may be enforced only by the state.".

After line 42, insert:

"**SECTION 5a. If House Bill 2359 becomes law, section 5 of this 2005 Act (amending ORS 156.220) is repealed.**".