

A-Engrossed
House Bill 2831

Ordered by the House May 18
Including House Amendments dated May 18

Sponsored by Representative DALLUM; Representatives ANDERSON, BERGER, ESQUIVEL, FLORES, HANNA, KRIEGER, KROPP, KRUMMEL, LIM, NELSON, G SMITH, SUMNER, WHISNANT, Senator FERRIOLI

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.

Allows municipal courts to assign judgments in criminal actions to Department of Revenue **if part of judgment is payable to State of Oregon.**

A BILL FOR AN ACT

1
2 Relating to municipal courts; creating new provisions; and amending ORS 137.118.

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

4 **SECTION 1. (1) If part of a judgment in a criminal action, as described in ORS 137.118,**
5 **is payable to the State of Oregon, a municipal court may assign the judgment to the Col-**
6 **lections Unit in the Department of Revenue for the following purposes:**

7 (a) **To determine whether refunds or other sums are owed to the debtor by the depart-**
8 **ment; and**

9 (b) **To deduct the amount of debt from any refunds or other sums owed to the debtor by**
10 **the department.**

11 (2) **If the Collections Unit determines that refunds or other sums are owed to the debtor,**
12 **the department shall deduct the amount of the debt from any refunds or other sums owed**
13 **to the debtor by the department. After also deducting costs of its actions under this section,**
14 **the department shall remit the amount deducted from refunds or other sums owed to the**
15 **debtor to the municipal court that assigned the judgment.**

16 (3) **A debtor whose account is assigned to the Department of Revenue for setoff under**
17 **this section is entitled to the notice required by ORS 293.250 (3)(d) and to the opportunity for**
18 **payment in ORS 293.250 (3)(c).**

19 **SECTION 2.** ORS 137.118 is amended to read:

20 137.118. (1) Judgments in criminal actions that impose monetary obligations, including judgments
21 requiring the payment of fines, costs, assessments, compensatory fines, attorney fees, forfeitures or
22 restitution, may be assigned by the state, by a municipal court or by a justice court for collection.
23 [*An assignment by the state may be to the Department of Revenue or a private collection agency. An*
24 *assignment by a municipal court or by a justice court may be to a private collection agency, except that*
25 *a justice court may assign a judgment in a criminal action to the Department of Revenue for the pur-*
26 *poses described in ORS 156.315.]*

27 (2)(a) **The state may assign a judgment to the Department of Revenue or a private col-**
28 **lection agency.**

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 **(b) A justice court may assign a judgment to a private collection agency or, in a criminal**
2 **action, to the Department of Revenue for the purposes described in ORS 156.315.**

3 **(c) A municipal court may assign a judgment to:**

4 **(A) A private collection agency; or**

5 **(B) The Department of Revenue for the purposes described in section 1 of this 2005 Act,**
6 **if the judgment was entered in a criminal action and part of the judgment is payable to the**
7 **State of Oregon.**

8 **(d) Nothing in this [section] subsection limits the right of a municipal court or a justice court**
9 **to assign for collection judgments in matters other than criminal actions.**

10 [2] **(3) A municipal or justice court may add to any judgment in a criminal action that includes**
11 **a monetary obligation a fee for the cost of collection if the court gives the defendant a period of**
12 **time to pay the obligation after the date of imposition of the sentence or after the date of the**
13 **hearing or proceeding that results in the imposition of the financial obligation. The fee may not**
14 **exceed 25 percent of the monetary obligation imposed by the court without the addition of the cost**
15 **of collection and may not be more than \$250. The fee shall be waived or suspended by the court if**
16 **the defendant pays the monetary obligation in the manner required by the court.**

17 [3] **(4) A state court shall add to any judgment in a criminal action that includes a monetary**
18 **obligation the fees required by ORS 1.202.**

19 [4] **(5) As used in this section, “criminal action” has the meaning given that term in ORS**
20 **131.005.**

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