

Enrolled House Bill 2831

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

CHAPTER

AN ACT

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

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

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

(a) To determine whether refunds or other sums are owed to the debtor by the department; and

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

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

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

SECTION 2. ORS 137.118 is amended to read:

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

(2)(a) The state may assign a judgment to the Department of Revenue or a private collection agency.

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

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

(A) A private collection agency; or

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

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

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

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

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

Passed by House May 23, 2005

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Chief Clerk of House

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Speaker of House

Passed by Senate June 27, 2005

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President of Senate

Received by Governor:

.....M.,....., 2005

Approved:

.....M.,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2005

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Secretary of State