

DRAFT

SUMMARY

Directs State Board of Parole and Post-Prison Supervision to establish by rule community service exchange program for person to enter into agreement with community-based organization to perform community service in lieu of payment for delinquent fines or debts.

Excludes certain fees from application of community service exchange program.

Defines terms.

Requires community-based organization to notify board when person has fulfilled community service.

Requires board to notify court clerk if board waives delinquent fines or debts.

Adds community service exchange program as alternative to payment of attorney fees.

A BILL FOR AN ACT

1
2 Relating to prisoner reentry; creating new provisions; and amending ORS
3 151.505.

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

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

6 (a) **“Community-based organization” means a not-for-profit organ-**
7 **ization or entity that is authorized to provide services to reduce**
8 **recidivism and assist a person with reentry into the workforce and the**
9 **community.**

10 (b) **“Community service” has the meaning given that term under**
11 **ORS 137.126.**

12 (c) **“Delinquent fines or debts” means unpaid costs for conviction,**
13 **attorney fees or costs related to criminal conviction that a person ac-**

1 **cumulated while incarcerated or while serving an active period of**
2 **parole or post-prison supervision.**

3 **(d) "Person" means an individual who was incarcerated or detained**
4 **in a correctional facility for violation of a criminal law and who is**
5 **servng an active period of parole or post-prison supervision under the**
6 **jurisdiction of the State Board of Parole and Post-Prison Supervision.**

7 **(2) The State Board of Parole and Post-Prison Supervision shall**
8 **establish by rule a community service exchange program to allow a**
9 **person, when the board determines that paying delinquent fines or**
10 **debts imposes a barrier to the person's successful reentry into the**
11 **community, to enter into a written agreement with a community-**
12 **based organization to perform community service in lieu of payment**
13 **of the delinquent fines or debts.**

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

16 **(a) Restitution or compensatory fines imposed under ORS 137.101**
17 **to 137.109;**

18 **(b) Unpaid obligations imposed by a support order under ORS**
19 **chapter 25;**

20 **(c) Minimum fines for misdemeanors and felonies under ORS**
21 **137.286; or**

22 **(d) Fines for traffic offenses.**

23 **(4) In order to be eligible to participate in the community service**
24 **exchange program, no later than 12 months after release from incar-**
25 **ceration, a person must:**

26 **(a) Enter into a written agreement with a community-based or-**
27 **ganization to perform community service in exchange for a conditional**
28 **waiver of delinquent fines or debts; and**

29 **(b) Obtain the approval of the terms of the written agreement of**
30 **the board.**

31 **(5) A community-based organization shall supervise and record the**

1 **community service that a person performs to fulfill the requirements**
2 **established by the written agreement described under this section.**
3 **When the person has fulfilled the requirements, the community-based**
4 **organization shall notify the board and the board shall send a notice**
5 **of conditional waiver of delinquent fines or debts to the clerk of the**
6 **court of the county where the person was convicted. Upon receipt of**
7 **the notice of conditional waiver from the board, the clerk shall update**
8 **the record of monetary obligations imposed for the convictions to re-**
9 **fect the conditional waiver.**

10 **(6) After 60 months from the date of the written agreement de-**
11 **scribed in this section has passed, the clerk of the court shall verify**
12 **that the person has not been convicted of a new crime in Oregon. If**
13 **the person has been convicted of a new crime, the clerk shall termi-**
14 **nate the conditional waiver and the person must pay the delinquent**
15 **fines or debts. If the person has not been convicted of a new crime,**
16 **the clerk shall update the record of monetary obligations imposed of**
17 **the convictions to reflect that the waiver is permanent.**

18 **SECTION 2.** ORS 151.505 is amended to read:

19 151.505. (1) At the conclusion of a case or matter in which the first
20 accusatory instrument or petition in the trial court was filed after January
21 1, 1998, and in which the court appointed counsel to represent a person, a
22 trial, appellate or post-conviction court may include in its judgment a money
23 award requiring that the person repay in full or in part the administrative
24 costs of determining the eligibility of the person for appointed counsel, and
25 the costs of the legal and other services that are related to the provision of
26 appointed counsel, that have not previously been required to be paid under
27 a limited judgment entered under ORS 151.487. An award under this section
28 is a monetary obligation payable to the state.

29 (2) Costs that may be included in a money award under this section in-
30 clude a reasonable attorney fee for counsel appointed to represent the person
31 and a reasonable amount for expenses authorized under ORS 135.055. A rea-

1 sonable attorney fee is presumed to be a reasonable number of hours at the
2 hourly rate authorized by the Public Defense Services Commission under
3 ORS 151.216. For purposes of this subsection, compensation of counsel is
4 determined by reference to a schedule of compensation established by the
5 commission.

6 (3) The court may not require a person to pay costs under this section
7 unless the person is or may be able to pay the costs. In determining the
8 amount and method of payment of costs, the court shall take account of the
9 financial resources of the person and the nature of the burden that payment
10 of costs will impose.

11 (4) (a) A person who has been required to pay costs under this section
12 and who is not in contumacious default in the payment of the costs may at
13 any time petition the court for remission of the payment of costs or any
14 unpaid portion of the costs. If it appears to the satisfaction of the court that
15 payment of the amount due will impose manifest hardship on the person or-
16 dered to repay or on the immediate family of the person, or will interfere
17 with the ability of the person to complete an alcohol or drug treatment
18 program, the court may enter a supplemental judgment that remits all or
19 part of the amount due or modifies the method of payment.

20 (b) **In accordance with section 1 of this 2016 Act, a person may enter**
21 **into a written agreement to participate in a community service ex-**
22 **change program as an alternative to paying costs imposed under this**
23 **section.**

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

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