

House Bill 2900

Sponsored by COMMITTEE ON JUDICIARY

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**.

Establishes commercial bail system.

A BILL FOR AN ACT

Relating to bail; creating new provisions; and amending ORS 18.048, 25.715, 33.075, 131.405, 133.450, 135.230, 135.245, 135.265, 135.280, 137.050, 138.250, 157.050, 181.637, 703.430, 731.036, 731.186, 731.292, 742.350, 742.356, 744.052 and 744.062.

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

SECTION 1. ORS 135.230 is amended to read:

135.230. As used in ORS 135.230 to 135.290, unless the context requires otherwise:

(1) "Abuse" means:

(a) Attempting to cause or intentionally, knowingly or recklessly causing physical injury;

(b) Intentionally, knowingly or recklessly placing another in fear of imminent serious physical injury; or

(c) Committing sexual abuse in any degree as defined in ORS 163.415, 163.425 and 163.427.

(2) "Bail agent" means a retail provider of pretrial release services who is authorized by a surety insurer to execute or countersign bail bonds as security for the pretrial release of defendants in criminal judicial proceedings and who holds a limited class license issued under section 19 of this 2015 Act in the line of surety insurance.

(3) "Bail bond" means a written instrument posted by a bail agent and underwritten by a surety insurer that serves as security for the pretrial release of a defendant and that obligates the surety insurer to pay the security amount set by the court at the time of the defendant's release.

(4) "Bail recovery agent" means a person who is under contract with a bail agent to receive compensation, reward or other form of lawful consideration for locating, apprehending and surrendering a fugitive criminal defendant for whom a bail bond has been posted and who holds a private investigator's license with an endorsement as a bail recovery agent issued under ORS 703.430. "Bail recovery agent" does not mean a peace officer of this state or a person who holds a license as a bail recovery agent in another jurisdiction but does not hold a private investigator's license with an endorsement as a bail recovery agent issued under ORS 703.430.

[(2)] (5) "Conditional release" means a nonsecurity release [which] that imposes regulations on the activities and associations of the defendant.

[(3)] (6) "Domestic violence" means abuse between family or household members.

[(4)] (7) "Family or household members" means any of the following:

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 (a) Spouses.
- 2 (b) Former spouses.
- 3 (c) Adult persons related by blood or marriage.
- 4 (d) Persons cohabiting with each other.
- 5 (e) Persons who have cohabited with each other or who have been involved in a sexually inti-
- 6 mate relationship.
- 7 (f) Unmarried parents of a minor child.
- 8 [(5)] (8) "Magistrate" has the meaning provided for this term in ORS 133.030.
- 9 [(6)] (9) "Personal recognizance" means the release of a defendant upon the promise of the de-
- 10 fendant to appear in court at all appropriate times.
- 11 [(7)] (10) "Primary release criteria" includes the following:
- 12 (a) The reasonable protection of the victim or public;
- 13 (b) The nature of the current charge;
- 14 (c) The defendant's prior criminal record, if any, and, if the defendant previously has been re-
- 15 leased pending trial, whether the defendant appeared as required;
- 16 (d) Any facts indicating the possibility of violations of law if the defendant is released without
- 17 regulations; and
- 18 (e) Any other facts tending to indicate that the defendant is likely to appear.
- 19 [(8)] (11) "Release" means temporary or partial freedom of a defendant from lawful custody be-
- 20 fore judgment of conviction or after judgment of conviction if defendant has appealed.
- 21 [(9)] (12) "Release agreement" means a sworn writing by the defendant stating the terms of the
- 22 release and, if applicable, the amount of security.
- 23 [(10)] (13) "Release decision" means a determination by a magistrate, using primary and sec-
- 24 ondary release criteria, [which] **that** establishes the form of the release most likely to ensure the
- 25 safety of the public and the victim, the defendant's court appearance and that the defendant does
- 26 not engage in domestic violence while on release.
- 27 [(11)] (14) "Secondary release criteria" [includes the following] **means:**
- 28 (a) The defendant's employment status and history and financial condition;
- 29 (b) The nature and extent of the family relationships of the defendant;
- 30 (c) The past and present residences of the defendant;
- 31 (d) Names of persons who agree to assist the defendant in attending court at the proper time;
- 32 and
- 33 (e) Any facts tending to indicate that the defendant has strong ties to the community.
- 34 [(12)] (15) "Security release" means a release conditioned on a promise to appear in court at
- 35 all appropriate times [which] **that** is secured by cash, stocks, bonds or real **or personal** property
- 36 **or by a bail bond.**
- 37 [(13)] (16) "Surety" [is one who] **means a person that** executes a security release [and] **that**
- 38 binds [oneself] **the person** to pay the security amount if the defendant fails to comply with the re-
- 39 lease agreement.
- 40 (17) "**Surety insurer**" **means an insurer authorized under the Insurance Code to transact**
- 41 **surety insurance, as defined in ORS 731.186, in this state.**
- 42 (18) "**Surrender**" **means the voluntary surrender, or the delivery, of a defendant into the**
- 43 **custody of the sheriff of the county where an action against the defendant is pending.**
- 44 **SECTION 2.** ORS 135.245 is amended to read:
- 45 135.245. (1) Except as provided in ORS 135.240, a person in custody has the right to immediate

1 security release or to be taken before a magistrate without undue delay. If the person is not released
 2 under ORS 135.270, or otherwise released before arraignment, the magistrate shall advise the person
 3 of the right of the person to a security release as provided in ORS 135.265.

4 (2) If a person in custody does not request a security release at the time of arraignment, the
 5 magistrate shall make a release decision regarding the person within 48 hours after the arraignment.

6 (3) If the magistrate, having given priority to the primary release criteria, decides to release a
 7 defendant or to set security, the magistrate shall impose the least onerous condition reasonably
 8 likely to ensure the safety of the public and the victim and the person's later appearance and, if the
 9 person is charged with an offense involving domestic violence, ensure that the person does not en-
 10 gage in domestic violence while on release. A person in custody, otherwise having a right to re-
 11 lease, shall be released upon the personal recognizance unless:

12 (a) Release criteria show to the satisfaction of the magistrate that such a release is unwar-
 13 ranted; or

14 (b) Subsection (6) of this section applies to the person.

15 (4) Upon a finding that release of the person on personal recognizance is unwarranted, the
 16 magistrate shall impose either conditional release or security release.

17 (5) At the release hearing:

18 (a) The district attorney has a right to be heard in relation to issues relevant to the release
 19 decision; and

20 (b) The victim has the right:

21 (A) Upon request made within the time period prescribed in the notice required by ORS 147.417,
 22 to be notified by the district attorney of the release hearing;

23 (B) To appear personally at the hearing; and

24 (C) If present, to reasonably express any views relevant to the issues before the magistrate.

25 (6) If a person refuses to provide a true name under the circumstances described in ORS 135.060
 26 and 135.065, the magistrate may not release the person on personal recognizance or on conditional
 27 release. The magistrate may release the person on security release under ORS 135.265 except that
 28 the magistrate shall require the person to deposit the full security amount set by the magistrate **or**
 29 **to post a bail bond with a penal sum equal to the security amount set by the magistrate.**

30 *[(7) This section shall be liberally construed to carry out the purpose of relying upon criminal*
 31 *sanctions instead of financial loss to assure the appearance of the defendant.]*

32 **SECTION 3.** ORS 135.265 is amended to read:

33 135.265. (1) If the defendant is not released on personal recognizance under ORS 135.255, or
 34 granted conditional release under ORS 135.260, or fails to agree to the provisions of the conditional
 35 release, the magistrate shall set a security amount that will reasonably assure the defendant's ap-
 36 pearance. The defendant shall execute the security release in the amount set by the magistrate.

37 (2) *[The]* A defendant **required to deposit a security amount** shall execute a release agree-
 38 ment and deposit with the clerk of the court before which the proceeding is pending a sum of money
 39 equal to 10 percent of the security amount, but in no event shall such deposit be less than \$25. The
 40 clerk shall issue a receipt for the sum deposited. Upon depositing this sum the defendant shall be
 41 released from custody subject to the condition that the defendant appear to answer the charge in
 42 the court having jurisdiction on a day certain and thereafter as ordered by the court until dis-
 43 charged or final order of the court. Once security has been given and a charge is pending or is
 44 thereafter filed in or transferred to a court of competent jurisdiction the latter court shall continue
 45 the original security in that court *[subject to ORS 135.280 and 135.285]*. When conditions of the re-

1 lease agreement have been performed and the defendant has been discharged from all obligations in
 2 the cause, the clerk of the court shall return to the person shown by the receipt to have made the
 3 deposit, unless the court orders otherwise, 85 percent of the sum which has been deposited and shall
 4 retain as security release costs 15 percent, but not less than \$5 nor more than \$750, of the amount
 5 deposited. The interest that has accrued on the full amount deposited shall also be retained by the
 6 clerk. The amount retained by the clerk of a circuit court shall be paid over as directed by the State
 7 Court Administrator for deposit in the General Fund. The amount retained by a justice of the peace
 8 shall be deposited in the county treasury. The amount retained by the clerk of a municipal court
 9 shall be deposited in the municipal corporation treasury. At the request of the defendant the court
 10 may order whatever amount is repayable to defendant from such security amount to be paid to
 11 defendant's attorney of record.

12 (3)(a) Instead of [*the security deposit*] **depositing the security amount as** provided [*for*] in
 13 subsection (2) of this section the defendant may:

14 (A) Deposit with the clerk of the court an amount equal to the security amount in cash, stocks,
 15 bonds[,] or real or personal property situated in this state with equity not exempt owned by the
 16 defendant or sureties worth double the amount of security set by the magistrate. The stocks,
 17 bonds[,] **or** real or personal property shall in all cases be justified by affidavit. The magistrate may
 18 further examine the sufficiency of the security as the magistrate considers necessary.

19 (B) **Post a bail bond.**

20 (b) **A deposit made, or bail bond posted, under this subsection is not subject to the re-**
 21 **tention of security release costs described in subsection (2) of this section.**

22 (4)(a) **The clerk of the court may not accept a bail bond under subsection (3) of this**
 23 **section unless the bail bond is accompanied by a fee equal to one percent of the security**
 24 **amount.**

25 (b) **The fee required under this subsection shall be deposited in the Judicial Department**
 26 **Operating Account established under ORS 1.009.**

27 **SECTION 4.** ORS 135.280 is amended to read:

28 135.280. (1)(a) Upon failure of a person to comply with any condition of a release agreement or
 29 personal recognizance **including appearance in court**, the court having jurisdiction may, in addi-
 30 tion to any other action provided by law, issue a warrant for the arrest of the person at liberty upon
 31 a personal recognizance, conditional or security release.

32 [(2)] (b) A warrant issued under **this** subsection [(1) of this section] by a municipal judge may
 33 be executed by [*any*] **a** peace officer authorized to execute arrest warrants.

34 [(3) *If the defendant does not comply with the conditions of the release agreement, the court having*
 35 *jurisdiction shall enter an order declaring the entire security amount to be forfeited. Notice of the order*
 36 *of forfeiture shall be given forthwith by personal service, by mail or by such other means as are rea-*
 37 *sonably calculated to bring to the attention of the defendant and, if applicable, of the sureties the order*
 38 *of forfeiture. If, within 30 days after the court declares the forfeiture, the defendant does not appear*
 39 *or satisfy the court having jurisdiction that appearance and surrender by the defendant was, or still*
 40 *is, impossible and without fault of the defendant, the court shall enter judgment for the state, or ap-*
 41 *propriate political subdivision thereof, against the defendant and, if applicable, the sureties for the en-*
 42 *tire security amount set under ORS 135.265 and the costs of the proceedings. At any time before or*
 43 *after entry of the judgment, the defendant or the sureties may apply to the court for a remission of the*
 44 *forfeiture or to modify or set aside the judgment. The court, upon good cause shown, may remit the*
 45 *forfeiture or any part thereof or may modify or set aside the judgment as in other criminal cases, except*

1 *the portion of the security deposit that the court ordered to be applied to child support under subsection*
2 *(4) of this section, as the court considers reasonable under the circumstances of the case. The court*
3 *shall adopt procedures to ensure that the amount deposited under ORS 135.265 is available for a rea-*
4 *sonable period of time for disposition under subsection (4) of this section.]*

5 *[(4) After entry of a judgment for the state, the court, upon a motion filed under ORS 25.715, may*
6 *order that a portion of the security deposit be applied to any unsatisfied child support award owed by*
7 *the defendant and to provide security for child support payments in accordance with ORS 25.230. The*
8 *portion of the security deposit that may be applied to the child support award:]*

9 *[(a) Is limited to the amount deposited under ORS 135.265 (2);]*

10 *[(b) May not exceed 66 percent of the entire security amount set under ORS 135.265 if the deposit*
11 *has been made under ORS 135.265 (3); and]*

12 *[(c) Does not reduce the money award in the judgment entered under subsection (3) of this section*
13 *that is owed to the state.]*

14 *[(5) When judgment is entered in favor of the state, or any political subdivision of the state, on any*
15 *security given for a release, the judgment may be enforced as a judgment in a civil action. If entered*
16 *in circuit court, the judgment shall be entered in the register, and the clerk of the court shall note in*
17 *the register that the judgment creates a judgment lien. The district attorney, county counsel or city at-*
18 *torney may have execution issued on the judgment and deliver same to the sheriff to be executed by levy*
19 *on the deposit or security amount made in accordance with ORS 135.265, or may collect the judgment*
20 *as otherwise provided by law. The proceeds of any execution or collection shall be used to satisfy the*
21 *judgment and costs and paid into the treasury of the municipal corporation wherein the security was*
22 *taken if the offense was defined by an ordinance of a political subdivision of this state, or paid into the*
23 *treasury of the county wherein the security was taken if the offense was defined by a statute of this*
24 *state and the judgment was entered by a justice court, or paid over as directed by the State Court*
25 *Administrator for deposit in the Criminal Fine Account, if the offense was defined by a statute of this*
26 *state and the judgment was entered by a circuit court. The provisions of this section shall not apply*
27 *to amounts deposited upon appearance under ORS 153.061.]*

28 *[(6) When the judgment of forfeiture is entered, the security deposit or deposit with the clerk is, by*
29 *virtue of the judgment alone and without requiring further execution, forfeited to and may be kept by*
30 *the state or its appropriate political subdivision. Except as provided in subsection (4) of this section,*
31 *the clerk shall reduce, by the value of the deposit so forfeited, the debt remaining on the judgment and*
32 *shall cause the amount on deposit to be transferred to the revenue account of the state or political*
33 *subdivision thereof entitled to receive the proceeds of execution under this section.]*

34 *[(7) The stocks, bonds, personal property and real property shall be sold in the same manner as*
35 *in execution sales in civil actions and the proceeds of such sale shall be used to satisfy all court costs,*
36 *prior encumbrances, if any, and from the balance a sufficient amount to satisfy the judgment shall be*
37 *paid into the treasury of the municipal corporation wherein the security was taken if the offense was*
38 *defined by an ordinance of a political subdivision of this state, or paid into the treasury of the county*
39 *wherein the security was taken if the offense was defined by a statute of this state and the judgment*
40 *was entered by a justice court, or deposited in the General Fund available for general governmental*
41 *expenses if the offense was defined by a statute of this state and the judgment was entered by a circuit*
42 *court. The balance shall be returned to the owner. The real property sold may be redeemed in the same*
43 *manner as real estate may be redeemed after judicial or execution sales in civil actions.]*

44 **(2)(a) Upon failure of a person released on a bail bond to comply with any condition of a**
45 **release agreement including appearance in court, the court having jurisdiction may, in addi-**

1 tion to any other action provided by law, issue a warrant for the arrest of the person.

2 (b) Upon issuance of an arrest warrant under this subsection, the court shall notify the
3 bail agent that posted the bail bond upon which the person is at liberty that the arrest
4 warrant has been issued.

5 (3) The court having jurisdiction over a person released on bail shall issue an arrest
6 warrant for the person if a bail agent requests the warrant and shows that:

7 (a) The bail agent posted the bail bond upon which the person is at liberty;

8 (b) The bail agent possesses a valid license issued pursuant to section 19 of this 2015 Act;
9 and

10 (c) There is probable cause to believe that the person:

11 (A) Intends to leave this state and not appear in court; or

12 (B) Has left this state in violation of a condition of the person's bail.

13 **SECTION 5.** Sections 6 to 10 of this 2015 Act are added to and made a part of ORS 135.230
14 to 135.290.

15 **SECTION 6.** (1) A bail agent may arrest a person at liberty on a bail bond posted by the
16 bail agent if:

17 (a) The bail agent has received notice of an arrest warrant issued under ORS 135.280 (2);
18 or

19 (b) The bail agent has obtained a warrant for the arrest of the person under ORS 135.280
20 (3).

21 (2) A warrant issued under ORS 135.280 (3) may be executed by a peace officer authorized
22 to execute arrest warrants.

23 (3) A bail agent may authorize a bail recovery agent to execute an arrest warrant issued
24 under ORS 135.280 (2) or (3).

25 **SECTION 7.** (1) Before executing an arrest warrant issued under ORS 135.280 (2) or (3),
26 a bail agent shall notify the county sheriff having jurisdiction over the intended arrest site
27 or, if the intended arrest site is within the jurisdiction of a municipal police department, the
28 municipal police department, and the Oregon State Police that the bail agent intends to ex-
29 ecute the warrant.

30 (2) A bail agent, or a bail recovery agent authorized by the bail agent under section 6 of
31 this 2015 Act, may not enter a dwelling to execute an arrest warrant issued under ORS
32 135.280 (2) or (3) without contemporaneous written consent by the person lawfully in pos-
33 session of the dwelling to enter the dwelling and arrest the person subject to the arrest
34 warrant.

35 (3) A bail agent, or a bail recovery agent authorized by the bail agent under section 6 of
36 this 2015 Act, shall notify in advance the jail where the bail agent or bail recovery agent in-
37 tends to deliver the person arrested pursuant to an arrest warrant issued under ORS 135.280
38 (2) or (3).

39 (4) As used in this section, "dwelling" has the meaning given that term in ORS 164.205.

40 **SECTION 8.** (1) If a defendant released after depositing a security amount as provided in
41 ORS 135.265 (2) does not comply with the conditions of the release agreement, the court
42 having jurisdiction shall enter an order declaring the entire security amount to be forfeited.
43 Notice of the order of forfeiture shall be given forthwith by personal service, mail or other
44 means reasonably calculated to provide notice of the order of forfeiture to the defendant and,
45 if applicable, the sureties. If, within 30 days after the court declares the forfeiture, the de-

1 defendant does not appear or satisfy the court having jurisdiction that appearance and sur-
 2 render by the defendant was, or still is, impossible and without fault of the defendant, the
 3 court shall enter judgment for the state or a political subdivision of the state, as applicable,
 4 against the defendant and, if applicable, the sureties for the entire security amount set under
 5 ORS 135.265 (2) and the costs of the proceedings. At any time before or after entry of the
 6 judgment, the defendant or the sureties may apply to the court for a remission of the
 7 forfeiture or to modify or set aside the judgment. The court, upon good cause shown, may
 8 remit the forfeiture or any part thereof or may modify or set aside the judgment as in other
 9 criminal cases, except the portion of the security amount that the court ordered to be ap-
 10 plied to child support under subsection (2) of this section, as the court considers reasonable
 11 under the circumstances of the case. The court shall adopt procedures to ensure that the
 12 amount deposited under ORS 135.265 (2) is available for a reasonable period of time for dis-
 13 position under subsection (2) of this section.

14 (2) After entry of a judgment for the state, the court, upon a motion filed under ORS
 15 25.715, may order that a portion of the security amount be applied to any unsatisfied child
 16 support award owed by the defendant and to provide security for child support payments in
 17 accordance with ORS 25.230. The portion of the security amount that may be applied to the
 18 child support award:

19 (a) Is limited to the amount deposited under ORS 135.265 (2);

20 (b) May not exceed 66 percent of the entire security amount set under ORS 135.265 (2);
 21 and

22 (c) Does not reduce the money award in the judgment entered under subsection (1) of
 23 this section that is owed to the state.

24 (3) This section does not apply to a deposit made or bail bond posted under ORS 135.265
 25 (3).

26 **SECTION 9.** (1)(a) If a defendant released on a bail bond under ORS 135.265 (3) does not
 27 comply with the conditions of the release agreement relating to court appearances, the court
 28 having jurisdiction shall enter an order declaring the entire security amount to be forfeited.

29 (b) Within 30 days after the defendant's nonappearance, notice of the order of forfeiture
 30 entered under this subsection shall be given to the bail agent and surety insurer that posted
 31 the bail bond on which the defendant was released, by personal service, mail or other means
 32 reasonably calculated to provide notice of the order of forfeiture to the bail agent and surety
 33 insurer.

34 (2) The court shall set aside an order of forfeiture entered pursuant to subsection (1) of
 35 this section and discharge the surety insurer of further obligation under the bail bond if:

36 (a) Within 60 days after entry of the order of forfeiture:

37 (A) The defendant appears in court on the underlying charge;

38 (B) The defendant is arrested and held by law enforcement in this state or another state
 39 on the bench warrant issued under ORS 135.280 (2) or (3) in connection with the defendant's
 40 nonappearance;

41 (C) The defendant is surrendered into the custody of law enforcement in the county in
 42 which the underlying charge is pending;

43 (D) The defendant dies; or

44 (E) The defendant is deported by the United States; or

45 (b) Within the time set forth in subsection (1)(b) of this section, the clerk of the court

1 fails to provide notice of the order of forfeiture to the bail agent and surety insurer.

2 (3) If, within 60 days after entry of an order of forfeiture, the court does not set aside
 3 the forfeiture and there is no motion pending requesting that the forfeiture be set aside, the
 4 court shall enter judgment upon the bail bond against the surety insurer.

5 (4) If the court sets aside an order of forfeiture under subsection (2)(a)(A) of this section,
 6 the court may, with the consent of the surety insurer that posted the bail bond on which the
 7 defendant was released, reinstate the bail bond and release the defendant.

8 **SECTION 10.** (1)(a) When judgment is entered in favor of the state or a political subdivi-
 9 sion of the state on any security given for a release under ORS 135.265, the judgment may
 10 be enforced as a judgment in a civil action. If entered in circuit court, the judgment shall
 11 be entered in the register and the clerk of the court shall note in the register that the
 12 judgment creates a judgment lien. The district attorney, county counsel or city attorney may
 13 have execution issued on the judgment and deliver same to the sheriff to be executed by levy
 14 on the deposit or security amount made in accordance with ORS 135.265, or may collect the
 15 judgment as otherwise provided by law.

16 (b) The proceeds of any execution or collection shall be used to satisfy the judgment and
 17 costs and:

18 (A) If the offense was defined by an ordinance of a political subdivision of this state, paid
 19 into the treasury of the municipal corporation in which the security was taken;

20 (B) If the offense was defined by a statute of this state and the judgment was entered
 21 by a justice court, paid into the treasury of the county in which the security was taken; or

22 (C) If the offense was defined by a statute of this state and the judgment was entered
 23 by a circuit court, paid over as directed by the State Court Administrator for deposit in the
 24 Criminal Fine Account created under ORS 137.300.

25 (2) When a judgment of forfeiture is entered under section 8 of this 2015 Act, the deposit
 26 or security amount with the clerk is, by virtue of the judgment alone and without requiring
 27 further execution, forfeited to and may be kept by the state or its appropriate political sub-
 28 division. Except as provided in section 8 (2) of this 2015 Act, the clerk shall reduce, by the
 29 value of the deposit so forfeited, the debt remaining on the judgment and shall cause the
 30 amount on deposit to be transferred to the revenue account of the state or political subdivi-
 31 sion of the state entitled to receive the proceeds of execution under this section.

32 (3)(a) Stocks, bonds, personal property and real property deposited under ORS 135.265
 33 (3)(a)(A) and subject to forfeiture under section 8 of this 2015 Act shall be sold in the same
 34 manner as in execution sales in civil actions and the proceeds of the sale shall be used to
 35 satisfy all court costs, prior encumbrances, if any, and from the balance a sufficient amount
 36 to satisfy the judgment shall be:

37 (A) If the offense was defined by an ordinance of a political subdivision of this state, paid
 38 into the treasury of the municipal corporation in which the security was taken;

39 (B) If the offense was defined by a statute of this state and the judgment was entered
 40 by a justice court, paid into the treasury of the county in which the security was taken; or

41 (C) If the offense was defined by a statute of this state and the judgment was entered
 42 by a circuit court, deposited in the General Fund available for general governmental ex-
 43 penses.

44 (b) The balance of the proceeds of a sale conducted under this subsection shall be re-
 45 turned to the owner.

1 (c) Real property sold under this subsection may be redeemed in the same manner as
 2 after judicial or execution sales in civil actions.

3 (4)(a) If the judgment entered under subsection (1) of this section is on a bail bond, the
 4 clerk shall mail notice of the judgment to the bail agent and the surety insurer that posted
 5 the bail bond.

6 (b) Amounts received from a judgment of forfeiture on a bail bond shall be deposited in
 7 the Judicial Department Operating Account established under ORS 1.009.

8 (5) If the bail agent or the surety insurer does not make full payment on the judgment
 9 within 30 days after mailing of the notice required under subsection (4) of this section, the
 10 court shall:

11 (a) Issue an order directing that further bail bonds may not be accepted from the bail
 12 agent or the surety insurer within the jurisdiction of the court until the judgment is paid in
 13 full; and

14 (b) Notify the Department of Consumer and Business Services that the bail agent and the
 15 surety insurer have not made full payment on the judgment.

16 (6) This section does not apply to presumptive fine amounts deposited upon appearance
 17 under ORS 153.061.

18 **SECTION 11.** ORS 133.450 is amended to read:

19 133.450. (1) If the defendant is arrested in the county in which the warrant issued, the defendant
 20 shall be taken before the magistrate who issued the warrant, or, if the magistrate is absent or un-
 21 able to act, before the nearest or most accessible magistrate in the same county; but if the defendant
 22 is arrested in another county and the crime charged in the warrant is a misdemeanor, the officer
 23 shall, upon being required by the defendant, take the defendant before a magistrate of that county,
 24 who shall make a release decision as provided in ORS 135.230 to 135.290. The officer shall at the
 25 same time deliver to the magistrate the warrant with the return of the officer indorsed and sub-
 26 scribed by the officer.

27 (2) After making the release decision, the magistrate shall certify that fact on the warrant and
 28 return the warrant and release agreement or security release to the officer having charge of the
 29 defendant. The officer shall then discharge the defendant from arrest and without delay deliver the
 30 warrant and release agreement or security release to the clerk of the court in the other county at
 31 which the defendant is required to appear.

32 (3) If the defendant is to be released and does not agree to the release agreement, or a security
 33 deposit is not forthwith given **or bail bond is not forthwith posted**, the officer shall take the de-
 34 fendant before the magistrate who issued the warrant or some other magistrate in that county, as
 35 provided in this section, together with the warrant.

36 **SECTION 12.** ORS 33.075 is amended to read:

37 33.075. (1) If a person served with an order to appear under ORS 33.055 fails to appear at the
 38 time and place specified in the order, the court may issue any order or warrant necessary to compel
 39 the appearance of the defendant.

40 (2) A person against whom a complaint has been issued under ORS 33.065 may be cited to ap-
 41 pear in lieu of custody as provided in ORS 133.055. If the person fails to appear at the time and
 42 place specified in the citation, the court may issue any order or warrant necessary to compel the
 43 appearance of the defendant.

44 (3) When the court issues a warrant for contempt, the court shall specify a security amount.
 45 Unless the defendant pays the security amount **or posts a bail bond** upon arrest, the sheriff shall

1 keep the defendant in custody until either a release decision is made by the court or until disposi-
 2 tion of the contempt proceedings.

3 (4) The defendant shall be discharged from the arrest upon executing and delivering to the
 4 sheriff, at any time before the return day of the warrant, a security release or a release agreement
 5 as provided in ORS 135.230 to 135.290, to the effect that the defendant will appear on the return day
 6 and abide by the order or judgment of the court or officer or pay, as [*may be*] directed, the sum
 7 specified in the warrant.

8 (5) The sheriff shall return the warrant and the security deposit **or bail bond**, if any, given to
 9 the sheriff by the defendant by the return day specified in the warrant.

10 (6) When a warrant for contempt issued under subsection (2) of this section has been returned
 11 after having been served and the defendant does not appear on the return day, the court may [*do*
 12 *either or both of the following*] **issue another warrant and, or as an alternative:**

13 [(a) *Issue another warrant.*]

14 [(b)] (a) Proceed against the security deposited upon the arrest; **or**

15 (b) **Order forfeiture of the security amount of the bail bond under section 9 of this 2015**
 16 **Act.**

17 (7) If the court proceeds against the security under subsection (6) of this section and the sum
 18 specified is recovered, the court may award to any party to the action any or all of the money re-
 19 covered as remedial damages.

20 **SECTION 13.** ORS 131.405 is amended to read:

21 131.405. (1) When the court has ordered a change of place of trial, if the defendant has been
 22 released on security release, conditional release or recognizance, the defendant must, without fur-
 23 ther notice, appear at the time and place appointed for trial and not depart therefrom without per-
 24 mission of the court.

25 (2) A security deposit **or bail bond** is sufficient therefor in all respects as if the action had
 26 proceeded to final determination in the court where it was commenced.

27 **SECTION 14.** ORS 138.250 is amended to read:

28 138.250. When a new trial is ordered, it shall be directed to be had in the court below; and if
 29 a judgment against a defendant is reversed without ordering a new trial, the appellate court shall
 30 direct, if the defendant is in custody, that the defendant be discharged therefrom, or if the defendant
 31 has been released, that the release agreement be exonerated, or if a security release has been en-
 32 tered into, that the security be refunded to the defendant or the sureties **or bail agents** of the de-
 33 fendant.

34 **SECTION 15.** ORS 157.050 is amended to read:

35 157.050. An allowance of an appeal does not stay the proceedings on the judgment unless the
 36 defendant:

37 (1) Makes a release agreement or a security release deposit **or posts a bail bond** as provided
 38 in ORS 135.230 to 135.290; or

39 (2) Gives the security required by ORS 810.300 to 810.330 as an undertaking on appeal.

40 **SECTION 16.** ORS 731.186 is amended to read:

41 731.186. "Surety insurance" means:

42 (1) Insurance guaranteeing the fidelity of persons holding places of trust, the performance of
 43 duties, contracts, bonds and undertakings, including the signing thereof as surety[, *and*];

44 (2) Insuring the performance of obligations of employers under workers' compensation laws by
 45 surety bond; **or**

1 **(3) The underwriting of a bail bond as defined in ORS 135.230.**

2 **SECTION 17.** ORS 744.052 is amended to read:

3 744.052. As used in ORS 744.052 to 744.089:

4 **(1) “Bail agent” has the meaning given that term in ORS 135.230.**

5 **(2) “Bail bond” or “surety bail bond” means a written instrument posted by a bail agent**
 6 **and underwritten by a surety insurer that serves as security for the pretrial release of a**
 7 **defendant and that obligates the surety insurer to pay the security amount set by the court**
 8 **at the time of the defendant’s release.**

9 **(3) “Bail recovery agent” has the meaning given that term in ORS 135.230.**

10 [(1)] **(4) “Business entity” has the meaning given that term in ORS 731.116.**

11 [(2)] **(5) “Home state” means any state, district or territory of the United States, in which an**
 12 **insurance producer maintains the insurance producer’s principal place of residence or principal**
 13 **place of business and is licensed to act as an insurance producer.**

14 [(3)] **(6) “Limited class credit insurance” includes but is not limited to credit life, credit disa-**
 15 **bility, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage**
 16 **guaranty, mortgage disability, and guaranteed automobile protection insurance, and any other form**
 17 **of insurance offered in connection with an extension of credit that is limited to partially or wholly**
 18 **extinguishing the credit obligation that the Director of the Department of Consumer and Business**
 19 **Services determines should be designated a form of limited class credit insurance.**

20 [(4)] **(7) “Limited class credit insurance producer” means a person required to be licensed to**
 21 **sell, solicit or negotiate one or more forms of limited class credit insurance coverage to individuals**
 22 **through a master, corporate, group or individual policy.**

23 [(5)] **(8) “Limited class insurance” includes but is not limited to credit, mortgage, automobile**
 24 **dealer guaranteed automobile protection, surety bail bonds and any other form of insurance des-**
 25 **ignated by the director as a form of limited class insurance.**

26 [(6)] **(9) “Limited class insurance producer” means a person required to be licensed to sell, so-**
 27 **licit or negotiate one or more forms of limited class insurance coverage to individuals through a**
 28 **master, corporate, group or individual policy.**

29 [(7)] **(10) “Negotiate,” “sell” and “solicit” have the meanings given those terms in ORS 731.104.**

30 [(8)] **(11) “Terminate” means to cancel the relationship between an insurance producer and the**
 31 **insurer or to revoke an insurance producer’s authority to sell, solicit or negotiate insurance.**

32 [(9)] **(12) “Uniform Application” means the current version of the Uniform Application for resi-**
 33 **dent and nonresident insurance producer licensing, produced by the National Association of Insur-**
 34 **ance Commissioners.**

35 [(10)] **(13) “Uniform Business Entity Application” means the current version of the Uniform**
 36 **Business Entity Application for resident and nonresident business entities, produced by the National**
 37 **Association of Insurance Commissioners.**

38 **SECTION 18. Sections 19 to 25 of this 2015 Act are added to and made a part of ORS**
 39 **744.052 to 744.089.**

40 **SECTION 19. The Department of Consumer and Business Services shall issue a limited**
 41 **class license as a bail agent to an individual who:**

42 **(1) Complies with the training requirements under sections 21 and 22 of this 2015 Act;**

43 **(2) Completes the insurance producer licensing requirements under ORS 744.052 to**
 44 **744.089;**

45 **(3) Shows that the individual has no conflict of interest in acting as a bail agent;**

1 (4) Submits the applicable fees established by rule by the Director of the Department of
2 Consumer and Business Services; and

3 (5) Files the bond or makes the deposit required under section 23 of this 2015 Act.

4 **SECTION 20.** (1) An application for a license issued under section 19 of this 2015 Act must
5 be filed with the Department of Consumer and Business Services in the manner specified by
6 the department. The department may require any information and documentation that rea-
7 sonably relates to the applicant's fitness to hold a license.

8 (2) The department may request a criminal records check under ORS 181.534 of an ap-
9 plicant for issuance or renewal of a limited class license as a bail agent.

10 **SECTION 21.** (1) An individual may not sell, solicit or negotiate bail bonds unless the in-
11 dividual is licensed as a bail agent under section 19 of this 2015 Act and completes:

12 (a) A one-time training course of not less than eight hours before the individual first
13 sells, solicits or negotiates any bail bonds; and

14 (b) Ongoing training of not less than 16 hours in each 24-month period following com-
15 pletion of the course described in paragraph (a) of this subsection.

16 (2) The training required under this section:

17 (a) Must consist of topics related to bail bonds, the criminal justice system and bail bonds
18 programs of this state.

19 (b) May not include training that is specific to an insurer or company product or that
20 includes any sales or marketing information, materials or training, unless the training is
21 required under state or federal law.

22 (3) A surety insurer must:

23 (a) Obtain verification that a bail agent completes the training required under subsection
24 (1) of this section before the bail agent sells, solicits or negotiates the surety insurer's bail
25 bond products.

26 (b) Maintain records subject to the record retention requirements of this state.

27 (c) Make the verification obtained under paragraph (a) of this subsection available to the
28 Director of the Department of Consumer and Business Services upon request.

29 **SECTION 22.** (1) The Department of Consumer and Business Services may adopt rules
30 necessary to implement the provisions of ORS 744.052 to 744.089 pertaining to bail agents,
31 including training and testing requirements. Rules adopted pursuant to this section:

32 (a) Must include not less than eight hours of classes before licensure under section 19
33 of this 2015 Act.

34 (b) May include continuing education requirements.

35 (c) Must include a schedule of fees payable by bail agents.

36 (2) The fees adopted under this section must be sufficient to cover the department's costs
37 of licensing, investigating and examining bail agents and applicants for bail agent licenses
38 and of enforcing the provisions of ORS 744.052 to 744.089 pertaining to the bail agent regu-
39 latory program.

40 **SECTION 23.** (1) The Department of Consumer and Business Services may not issue a
41 license under section 19 of this 2015 Act unless the applicant:

42 (a) Files with the department a bond, executed by a surety insurer authorized to do
43 business in this state, in the sum of \$25,000 made payable to the State of Oregon and condi-
44 tioned to recover against the bail agent by reason of any violation of ORS 744.052 to 744.089;
45 or

1 (b) Deposits \$25,000 in a federally insured interest-bearing account.

2 (2)(a) A person injured by a bail agent may bring an action on the bond or account re-
3 quired under subsection (1) of this section in any county in which jurisdiction over the bail
4 agent may be obtained.

5 (b) An action under this section may be brought no later than two years after the person
6 first knew or reasonably should have known of the injury.

7 (c) If valid claims against the bond or account exceed the amount of the bond or account,
8 the claims of all persons shall be paid pro rata.

9 (3) The Director of the Department of Consumer and Business Services shall immediately
10 suspend the license of a bail agent who fails to maintain a bond or account pursuant to this
11 section.

12 **SECTION 24.** (1) In addition to the requirements to maintain a trust account under ORS
13 744.083, a bail agent shall:

14 (a) Maintain a trust account in a federally insured trust account.

15 (b) Within 10 business days after receipt of written notice that a court has exonerated
16 a bail bond, return to the person on whose behalf bail was posted all collateral or security
17 on the bail bond, less any amount owed to the bail agent or surety insurer.

18 (2) A bail agent shall maintain records of all collateral and security received, all trust
19 accounts required by ORS 744.083 and all bail bond transactions handled by the bail agent,
20 for five years. The records are open to inspection without notice by the Director of the De-
21 partment of Consumer and Business Services or an authorized representative of the director.

22 (3) A bail agent shall maintain records of contracts with bail recovery agents for the
23 apprehension of fugitive criminal defendants for three years.

24 **SECTION 25.** (1) A bail agent shall notify the Director of the Department of Consumer
25 and Business Services within 30 days after the death or termination of employment of any
26 employee who is a licensed bail agent.

27 (2) A bail agent shall notify the director within 72 hours upon receipt of information af-
28 fecting the bail agent's eligibility to hold a license.

29 **SECTION 26.** Sections 27 and 28 of this 2015 Act are added to and made a part of ORS
30 chapter 746.

31 **SECTION 27.** (1) As used in this section:

32 (a) "Bail agent" has the meaning given that term in ORS 135.230.

33 (b) "Bail recovery agent" has the meaning given that term in ORS 135.230.

34 (2) A bail agent or other person may not commit or perform any of the following acts
35 of unprofessional conduct, which are unfair trade practices:

36 (a) Violating laws governing the conduct of bail agents or rules adopted under section 22
37 of this 2015 Act.

38 (b) Using the services of a bail agent who is not licensed under section 19 of this 2015
39 Act.

40 (c) Misrepresenting or knowingly making a material misstatement or omission in an ap-
41 plication for a license under section 20 of this 2015 Act.

42 (d) Knowingly committing or being a party to any material fraud, misrepresentation,
43 concealment, conspiracy, collusion, trick, scheme or device whereby another person reason-
44 ably relies on the word, representation or conduct of the bail agent. This paragraph does not
45 prevent a bail recovery agent from using a pretext to locate or apprehend, or to gain infor-

1 mation regarding, a fugitive criminal defendant.

2 (e) Assigning or transferring a license issued under section 19 of this 2015 Act.

3 (f) Converting money or a contract, deed, note, mortgage or other evidence of title, to
4 the bail agent's own use or to the use of the bail agent's principal or another person, when
5 delivered in trust or on condition, in violation of the trust or before the occurrence of the
6 condition. Failing to return money or a contract, deed, note, mortgage or other evidence of
7 title within 30 days after the owner is entitled to possession and makes demand for pos-
8 session is prima facie evidence of conversion under this paragraph.

9 (g) Failing to keep records, maintain a trust account or return collateral or security, as
10 required by law.

11 (h) Any conduct in a bail bond transaction that demonstrates bad faith, dishonesty or
12 untrustworthiness.

13 (i) Violating an order to cease and desist that is issued by the Director of the Department
14 of Consumer and Business Services under ORS 731.252.

15 (j) Wearing, displaying, holding or using badges not approved by the Department of Con-
16 sumer and Business Services.

17 (k) Making any statement that would reasonably cause another person to believe that a
18 bail recovery agent is a sworn peace officer.

19 (L) Using within the State of Oregon the services of a person who is not licensed as a
20 bail recovery agent.

21 (m) Performing the functions of a bail recovery agent, unless licensed as a bail recovery
22 agent.

23 (n) Using a dog in the apprehension of a criminal defendant.

24 (o) Acting or being employed in any manner that presents a conflict of interest in car-
25 rying out the person's duties as a bail agent.

26 **SECTION 28.** (1) Any person may submit a written complaint to the Department of
27 Consumer and Business Services charging a person or a bail agent or applicant for a limited
28 class license as a bail agent with unprofessional conduct as described in section 27 of this
29 2015 Act. The complaint must specify the grounds for the charge.

30 (2) If the Director of the Department of Consumer and Business Services determines that
31 the complaint merits investigation, or if the director has reason to believe, without a formal
32 complaint, that a licensed bail agent or applicant for a license has engaged in unprofessional
33 conduct, the director shall investigate to determine if there has been unprofessional conduct.

34 (3) A person who files a complaint under this section in good faith is immune from suit
35 in any civil action related to the filing or contents of the complaint.

36 **SECTION 29.** Section 30 of this 2015 Act is added to and made a part of ORS chapter 744.

37 **SECTION 30.** (1) For the purpose of paying the expenses of providing additional training
38 pursuant to ORS 181.610 to 181.712 in the relationship between law enforcement and the bail
39 industry, every surety insurer engaged in underwriting bail bonds shall pay a tax to the Di-
40 rector of the Department of Consumer and Business Services, on or before April 1 of each
41 year, equal to one percent of the gross amount of premiums received by the surety insurer
42 or the surety insurer's bail agents from executing or countersigning bail bonds in the pre-
43 ceding calendar year.

44 (2) If the director, during the period in which the director may collect taxes owing under
45 this section, finds the amount of the taxes paid by a surety insurer to be incorrect, the di-

1 **rector shall charge or credit the surety insurer with the difference between the correct**
 2 **amount of tax and the amount actually paid.**

3 **(3) The director must commence an action for the recovery of taxes payable under this**
 4 **section not later than five years after the date the taxes are payable to the director.**

5 **SECTION 31.** ORS 731.292 is amended to read:

6 731.292. (1) Except as provided in subsections (2), (3) and (4) of this section, all fees, charges and
 7 other moneys received by the Department of Consumer and Business Services or the Director of the
 8 Department of Consumer and Business Services under the Insurance Code shall be deposited in the
 9 fund created by ORS 705.145 and are continuously appropriated to the department for the payment
 10 of the expenses of the department in carrying out the Insurance Code.

11 **(2)(a) Except as provided in paragraph (b) of this subsection,** all taxes and penalties paid
 12 pursuant to the Insurance Code shall be paid to the director and after deductions of refunds shall
 13 be paid by the director to the State Treasurer, at the end of every calendar month or more often
 14 in the director's discretion, for deposit in the General Fund to become available for general gov-
 15 ernmental expenses.

16 **(b) All taxes paid pursuant to section 30 of this 2015 Act shall be paid to the director and**
 17 **after deductions of refunds shall be paid by the director to the State Treasurer, at the end**
 18 **of every calendar month or more often in the director's discretion, for deposit in the Police**
 19 **Standards and Training Account established under ORS 181.690 for the purpose described in**
 20 **section 30 (1) of this 2015 Act.**

21 (3) All premium taxes received by the director pursuant to ORS 731.820 shall be paid by the
 22 director to the State Treasurer for deposit in the State Fire Marshal Fund.

23 (4) Assessments received by the department under ORS 743.951 and 743.961 and penalties re-
 24 ceived by the department under ORS 743.990 and section 10, chapter 867, Oregon Laws 2009, shall
 25 be paid into the State Treasury and credited to the Health System Fund established in section 1,
 26 chapter 867, Oregon Laws 2009, after deducting the following amounts:

27 (a) Amounts needed to reimburse the department for expenses in administering ORS 743.951 to
 28 743.965 and 743.990; and

29 (b) Amounts needed to reimburse the General Fund for reductions in revenue caused by the ef-
 30 fect of ORS 743.961 on the retaliatory tax imposed under ORS 731.854 and 731.859.

31 **SECTION 32.** ORS 731.036 is amended to read:

32 **NOTE:** Amendments become operative 7/1/17. See 2013 c.698 §41. Amend both versions.

33 731.036. Except as provided in ORS 743.061 or as specifically provided by law, the Insurance
 34 Code does not apply to any of the following to the extent of the subject matter of the exemption:

35 [(1) *A bail bondsman, other than a corporate surety and its agents.*]

36 [(2)] (1) A fraternal benefit society that has maintained lodges in this state and other states for
 37 50 years prior to January 1, 1961, and for which a certificate of authority was not required on that
 38 date.

39 [(3)] (2) A religious organization providing insurance benefits only to its employees, if the or-
 40 ganization is in existence and exempt from taxation under section 501(c)(3) of the federal Internal
 41 Revenue Code on September 13, 1975.

42 [(4)] (3) Public bodies, as defined in ORS 30.260, that either individually or jointly establish a
 43 self-insurance program for tort liability in accordance with ORS 30.282.

44 [(5)] (4) Public bodies, as defined in ORS 30.260, that either individually or jointly establish a
 45 self-insurance program for property damage in accordance with ORS 30.282.

1 [(6)] (5) Cities, counties, school districts, community college districts, community college service
2 districts or districts, as defined in ORS 198.010 and 198.180, that either individually or jointly insure
3 for health insurance coverage, excluding disability insurance, their employees or retired employees,
4 or their dependents, or students engaged in school activities, or combination of employees and de-
5 pendants, with or without employee or student contributions, if all of the following conditions are
6 met:

7 (a) The individual or jointly self-insured program meets the following minimum requirements:

8 (A) In the case of a school district, community college district or community college service
9 district, the number of covered employees and dependents and retired employees and dependents
10 aggregates at least 500 individuals;

11 (B) In the case of an individual public body program other than a school district, community
12 college district or community college service district, the number of covered employees and depen-
13 dents and retired employees and dependents aggregates at least 500 individuals; and

14 (C) In the case of a joint program of two or more public bodies, the number of covered em-
15 ployees and dependents and retired employees and dependents aggregates at least 1,000 individuals;

16 (b) The individual or jointly self-insured health insurance program includes all coverages and
17 benefits required of group health insurance policies under ORS chapters 743 and 743A;

18 (c) The individual or jointly self-insured program must have program documents that define
19 program benefits and administration;

20 (d) Enrollees must be provided copies of summary plan descriptions including:

21 (A) Written general information about services provided, access to services, charges and sched-
22 uling applicable to each enrollee's coverage;

23 (B) The program's grievance and appeal process; and

24 (C) Other group health plan enrollee rights, disclosure or written procedure requirements es-
25 tablished under ORS chapters 743 and 743A;

26 (e) The financial administration of an individual or jointly self-insured program must include the
27 following requirements:

28 (A) Program contributions and reserves must be held in separate accounts and used for the ex-
29 clusive benefit of the program;

30 (B) The program must maintain adequate reserves. Reserves may be invested in accordance with
31 the provisions of ORS chapter 293. Reserve adequacy must be calculated annually with proper
32 actuarial calculations including the following:

33 (i) Known claims, paid and outstanding;

34 (ii) A history of incurred but not reported claims;

35 (iii) Claims handling expenses;

36 (iv) Unearned contributions; and

37 (v) A claims trend factor; and

38 (C) The program must maintain adequate reinsurance against the risk of economic loss in ac-
39 cordance with the provisions of ORS 742.065 unless the program has received written approval for
40 an alternative arrangement for protection against economic loss from the Director of the Depart-
41 ment of Consumer and Business Services;

42 (f) The individual or jointly self-insured program must have sufficient personnel to service the
43 employee benefit program or must contract with a third party administrator licensed under ORS
44 chapter 744 as a third party administrator to provide such services;

45 (g) The individual or jointly self-insured program shall be subject to assessment in accordance

1 with section 2, chapter 698, Oregon Laws 2013;

2 (h) The public body, or the program administrator in the case of a joint insurance program of
 3 two or more public bodies, files with the Director of the Department of Consumer and Business
 4 Services copies of all documents creating and governing the program, all forms used to communicate
 5 the coverage to beneficiaries, the schedule of payments established to support the program and,
 6 annually, a financial report showing the total incurred cost of the program for the preceding year.
 7 A copy of the annual audit required by ORS 297.425 may be used to satisfy the financial report filing
 8 requirement; and

9 (i) Each public body in a joint insurance program is liable only to its own employees and no
 10 others for benefits under the program in the event, and to the extent, that no further funds, in-
 11 cluding funds from insurance policies obtained by the pool, are available in the joint insurance pool.

12 [(7)] (6) All ambulance services.

13 [(8)] (7) A person providing any of the services described in this subsection. The exemption un-
 14 der this subsection does not apply to an authorized insurer providing such services under an insur-
 15 ance policy. This subsection applies to the following services:

16 (a) Towing service.

17 (b) Emergency road service, which means adjustment, repair or replacement of the equipment,
 18 tires or mechanical parts of a motor vehicle in order to permit the motor vehicle to be operated
 19 under its own power.

20 (c) Transportation and arrangements for the transportation of human remains, including all
 21 necessary and appropriate preparations for and actual transportation provided to return a
 22 decedent's remains from the decedent's place of death to a location designated by a person with
 23 valid legal authority under ORS 97.130.

24 [(9)(a)] (8)(a) A person described in this subsection who, in an agreement to lease or to finance
 25 the purchase of a motor vehicle, agrees to waive for no additional charge the amount specified in
 26 paragraph (b) of this subsection upon total loss of the motor vehicle because of physical damage,
 27 theft or other occurrence, as specified in the agreement. The exemption established in this sub-
 28 section applies to the following persons:

29 (A) The seller of the motor vehicle, if the sale is made pursuant to a motor vehicle retail in-
 30 stallment contract.

31 (B) The lessor of the motor vehicle.

32 (C) The lender who finances the purchase of the motor vehicle.

33 (D) The assignee of a person described in this paragraph.

34 (b) The amount waived pursuant to the agreement shall be the difference, or portion thereof,
 35 between the amount received by the seller, lessor, lender or assignee, as applicable, that represents
 36 the actual cash value of the motor vehicle at the date of loss, and the amount owed under the
 37 agreement.

38 [(10)] (9) A self-insurance program for tort liability or property damage that is established by
 39 two or more affordable housing entities and that complies with the same requirements that public
 40 bodies must meet under ORS 30.282 (6). As used in this subsection:

41 (a) "Affordable housing" means housing projects in which some of the dwelling units may be
 42 purchased or rented, with or without government assistance, on a basis that is affordable to indi-
 43 viduals of low income.

44 (b) "Affordable housing entity" means any of the following:

45 (A) A housing authority created under the laws of this state or another jurisdiction and any

1 agency or instrumentality of a housing authority, including but not limited to a legal entity created
 2 to conduct a self-insurance program for housing authorities that complies with ORS 30.282 (6).

3 (B) A nonprofit corporation that is engaged in providing affordable housing.

4 (C) A partnership or limited liability company that is engaged in providing affordable housing
 5 and that is affiliated with a housing authority described in subparagraph (A) of this paragraph or
 6 a nonprofit corporation described in subparagraph (B) of this paragraph if the housing authority or
 7 nonprofit corporation:

8 (i) Has, or has the right to acquire, a financial or ownership interest in the partnership or lim-
 9 ited liability company;

10 (ii) Has the power to direct the management or policies of the partnership or limited liability
 11 company;

12 (iii) Has entered into a contract to lease, manage or operate the affordable housing owned by
 13 the partnership or limited liability company; or

14 (iv) Has any other material relationship with the partnership or limited liability company.

15 [(11)] (10) A community-based health care initiative approved by the Administrator of the Office
 16 for Oregon Health Policy and Research under ORS 735.723 operating a community-based health care
 17 improvement program approved by the administrator.

18 [(12)] (11) Except as provided in ORS 735.500 and 735.510, a person certified by the Department
 19 of Consumer and Business Services to operate a retainer medical practice.

20 **SECTION 33.** ORS 731.036, as amended by section 37, chapter 698, Oregon Laws 2013, is
 21 amended to read:

22 731.036. Except as provided in ORS 743.061 or as specifically provided by law, the Insurance
 23 Code does not apply to any of the following to the extent of the subject matter of the exemption:

24 [(1) A bail bondsman, other than a corporate surety and its agents.]

25 [(2)] (1) A fraternal benefit society that has maintained lodges in this state and other states for
 26 50 years prior to January 1, 1961, and for which a certificate of authority was not required on that
 27 date.

28 [(3)] (2) A religious organization providing insurance benefits only to its employees, if the or-
 29 ganization is in existence and exempt from taxation under section 501(c)(3) of the federal Internal
 30 Revenue Code on September 13, 1975.

31 [(4)] (3) Public bodies, as defined in ORS 30.260, that either individually or jointly establish a
 32 self-insurance program for tort liability in accordance with ORS 30.282.

33 [(5)] (4) Public bodies, as defined in ORS 30.260, that either individually or jointly establish a
 34 self-insurance program for property damage in accordance with ORS 30.282.

35 [(6)] (5) Cities, counties, school districts, community college districts, community college service
 36 districts or districts, as defined in ORS 198.010 and 198.180, that either individually or jointly insure
 37 for health insurance coverage, excluding disability insurance, their employees or retired employees,
 38 or their dependents, or students engaged in school activities, or combination of employees and de-
 39 pendants, with or without employee or student contributions, if all of the following conditions are
 40 met:

41 (a) The individual or jointly self-insured program meets the following minimum requirements:

42 (A) In the case of a school district, community college district or community college service
 43 district, the number of covered employees and dependents and retired employees and dependents
 44 aggregates at least 500 individuals;

45 (B) In the case of an individual public body program other than a school district, community

1 college district or community college service district, the number of covered employees and depen-
 2 dents and retired employees and dependents aggregates at least 500 individuals; and

3 (C) In the case of a joint program of two or more public bodies, the number of covered em-
 4 ployees and dependents and retired employees and dependents aggregates at least 1,000 individuals;

5 (b) The individual or jointly self-insured health insurance program includes all coverages and
 6 benefits required of group health insurance policies under ORS chapters 743 and 743A;

7 (c) The individual or jointly self-insured program must have program documents that define
 8 program benefits and administration;

9 (d) Enrollees must be provided copies of summary plan descriptions including:

10 (A) Written general information about services provided, access to services, charges and sched-
 11 uling applicable to each enrollee's coverage;

12 (B) The program's grievance and appeal process; and

13 (C) Other group health plan enrollee rights, disclosure or written procedure requirements es-
 14 tablished under ORS chapters 743 and 743A;

15 (e) The financial administration of an individual or jointly self-insured program must include the
 16 following requirements:

17 (A) Program contributions and reserves must be held in separate accounts and used for the ex-
 18 clusive benefit of the program;

19 (B) The program must maintain adequate reserves. Reserves may be invested in accordance with
 20 the provisions of ORS chapter 293. Reserve adequacy must be calculated annually with proper
 21 actuarial calculations including the following:

22 (i) Known claims, paid and outstanding;

23 (ii) A history of incurred but not reported claims;

24 (iii) Claims handling expenses;

25 (iv) Unearned contributions; and

26 (v) A claims trend factor; and

27 (C) The program must maintain adequate reinsurance against the risk of economic loss in ac-
 28 cordance with the provisions of ORS 742.065 unless the program has received written approval for
 29 an alternative arrangement for protection against economic loss from the Director of the Depart-
 30 ment of Consumer and Business Services;

31 (f) The individual or jointly self-insured program must have sufficient personnel to service the
 32 employee benefit program or must contract with a third party administrator licensed under ORS
 33 chapter 744 as a third party administrator to provide such services;

34 (g) The public body, or the program administrator in the case of a joint insurance program of
 35 two or more public bodies, files with the Director of the Department of Consumer and Business
 36 Services copies of all documents creating and governing the program, all forms used to communicate
 37 the coverage to beneficiaries, the schedule of payments established to support the program and,
 38 annually, a financial report showing the total incurred cost of the program for the preceding year.
 39 A copy of the annual audit required by ORS 297.425 may be used to satisfy the financial report filing
 40 requirement; and

41 (h) Each public body in a joint insurance program is liable only to its own employees and no
 42 others for benefits under the program in the event, and to the extent, that no further funds, in-
 43 cluding funds from insurance policies obtained by the pool, are available in the joint insurance pool.

44 [(7)] (6) All ambulance services.

45 [(8)] (7) A person providing any of the services described in this subsection. The exemption un-

1 der this subsection does not apply to an authorized insurer providing such services under an insur-
 2 ance policy. This subsection applies to the following services:

3 (a) Towing service.

4 (b) Emergency road service, which means adjustment, repair or replacement of the equipment,
 5 tires or mechanical parts of a motor vehicle in order to permit the motor vehicle to be operated
 6 under its own power.

7 (c) Transportation and arrangements for the transportation of human remains, including all
 8 necessary and appropriate preparations for and actual transportation provided to return a
 9 decedent's remains from the decedent's place of death to a location designated by a person with
 10 valid legal authority under ORS 97.130.

11 [(9)(a)] **(8)(a)** A person described in this subsection who, in an agreement to lease or to finance
 12 the purchase of a motor vehicle, agrees to waive for no additional charge the amount specified in
 13 paragraph (b) of this subsection upon total loss of the motor vehicle because of physical damage,
 14 theft or other occurrence, as specified in the agreement. The exemption established in this sub-
 15 section applies to the following persons:

16 (A) The seller of the motor vehicle, if the sale is made pursuant to a motor vehicle retail in-
 17 stallment contract.

18 (B) The lessor of the motor vehicle.

19 (C) The lender who finances the purchase of the motor vehicle.

20 (D) The assignee of a person described in this paragraph.

21 (b) The amount waived pursuant to the agreement shall be the difference, or portion thereof,
 22 between the amount received by the seller, lessor, lender or assignee, as applicable, that represents
 23 the actual cash value of the motor vehicle at the date of loss, and the amount owed under the
 24 agreement.

25 [(10)] **(9)** A self-insurance program for tort liability or property damage that is established by
 26 two or more affordable housing entities and that complies with the same requirements that public
 27 bodies must meet under ORS 30.282 (6). As used in this subsection:

28 (a) "Affordable housing" means housing projects in which some of the dwelling units may be
 29 purchased or rented, with or without government assistance, on a basis that is affordable to indi-
 30 viduals of low income.

31 (b) "Affordable housing entity" means any of the following:

32 (A) A housing authority created under the laws of this state or another jurisdiction and any
 33 agency or instrumentality of a housing authority, including but not limited to a legal entity created
 34 to conduct a self-insurance program for housing authorities that complies with ORS 30.282 (6).

35 (B) A nonprofit corporation that is engaged in providing affordable housing.

36 (C) A partnership or limited liability company that is engaged in providing affordable housing
 37 and that is affiliated with a housing authority described in subparagraph (A) of this paragraph or
 38 a nonprofit corporation described in subparagraph (B) of this paragraph if the housing authority or
 39 nonprofit corporation:

40 (i) Has, or has the right to acquire, a financial or ownership interest in the partnership or lim-
 41 ited liability company;

42 (ii) Has the power to direct the management or policies of the partnership or limited liability
 43 company;

44 (iii) Has entered into a contract to lease, manage or operate the affordable housing owned by
 45 the partnership or limited liability company; or

1 (iv) Has any other material relationship with the partnership or limited liability company.

2 [(11)] (10) A community-based health care initiative approved by the Administrator of the Office
3 for Oregon Health Policy and Research under ORS 735.723 operating a community-based health care
4 improvement program approved by the administrator.

5 [(12)] (11) Except as provided in ORS 735.500 and 735.510, a person certified by the Department
6 of Consumer and Business Services to operate a retainer medical practice.

7 **SECTION 34.** ORS 744.062 is amended to read:

8 744.062. (1) Unless the Director of the Department of Consumer and Business Services refuses
9 to issue or renew a license pursuant to ORS 744.074, a person who has met the requirements of ORS
10 744.058 and 744.059, or ORS 744.063, shall be issued an insurance producer license. An insurance
11 producer may receive qualification for a license in one or more of the following classes of insurance:

12 (a) Life insurance as defined in ORS 731.170.

13 (b) Health insurance as defined in ORS 731.162.

14 (c) Property insurance as defined in ORS 731.182.

15 (d) Casualty insurance as defined in ORS 731.158.

16 (e) Variable life insurance, including variable annuities.

17 (f) Property and casualty insurance coverage sold to individuals and families for primarily non-
18 commercial purposes.

19 (g) Limited class credit insurance.

20 (h) Any form of insurance designated by the director as a form of limited class insurance.

21 (i) Title insurance as defined in ORS 731.190. A license for the class of title insurance may be
22 issued only to a resident insurance producer.

23 **(j) Surety bail bonds. A limited class license for a bail agent may be issued only to a**
24 **resident insurance producer.**

25 [(j)] **(k)** Any other class of insurance permitted under the Insurance Code or rules adopted
26 thereunder.

27 (2) For assistance in performance of the director's duties, the director may participate with the
28 National Association of Insurance Commissioners, or any affiliate or subsidiary that the National
29 Association of Insurance Commissioners oversees, in a centralized producer licensing registry in
30 which insurance producer licenses and appointments are centrally or simultaneously effected for all
31 states that require an insurance producer license. The director may adopt by rule any uniform
32 standards and procedures as are necessary to participate in the registry, including the centralized
33 collection of fees for licenses or appointments that are processed through the registry.

34 (3) An insurance producer may apply to amend a license for the purpose of adding or deleting
35 a class of insurance on the license in the manner prescribed for license application in ORS 744.059
36 or 744.063, or as otherwise prescribed by the director.

37 **SECTION 35.** ORS 742.350 is amended to read:

38 742.350. (1) Whenever any bond, **bail bond**, undertaking, recognizance[,] or other obligation is
39 by law or the charter, ordinance, rules or regulations of any municipality, board, body, organization,
40 court, judge or public officer required or permitted to be made, given, tendered or filed with surety
41 or sureties, and whenever the performance of any act, duty or obligation[,] or the refraining from
42 any act is required or permitted to be guaranteed, such bond, **bail bond**, undertaking, obligation,
43 recognizance or guaranty may be executed by an authorized surety insurer.

44 (2) The execution by such an insurer of any such obligation is in all respects a full and complete
45 compliance with every requirement that it be executed by one surety, or by one or more sureties,

1 or that such sureties be residents or householders, or freeholders, or either or both, or possess any
 2 other qualification.

3 (3) A surety insurer may be required to justify as surety. It shall be sufficient justification for
 4 such surety insurer when examined as to its qualifications to exhibit the certificate of authority is-
 5 sued to it by the Director of the Department of Consumer and Business Services or a certified copy
 6 thereof.

7 **SECTION 36.** ORS 742.356 is amended to read:

8 742.356. (1) Any surety insurer may contract for and receive and hold on deposit and in trust
 9 property of any kind as collateral security on any **bail bond**, policy of guaranty or suretyship exe-
 10 cuted by [*it. The*] **the surety insurer. The surety** insurer may manage, realize on and dispose of
 11 the property so received and held on deposit as may be agreed to between [*it*] **the surety insurer**
 12 and the person making the deposit.

13 (2) Any receiver, assignee, guardian, conservator, trustee, executor, administrator or other
 14 fiduciary or party from whom a policy of guaranty or suretyship is by law required or permitted
 15 may agree and arrange with the surety insurer for the deposit for safekeeping of any or all moneys,
 16 assets and other property for which the person is or may be responsible in a bank, savings bank,
 17 safe deposit or trust company authorized by law to do business as such, in such manner as to pre-
 18 vent the withdrawal or alienation of such money, assets or other property, or any part thereof,
 19 without the written consent of the surety insurer or an order of a court of competent jurisdiction
 20 or a judge thereof made on such notice to the surety insurer as the court or judge may direct.

21 (3) Generally, it shall be lawful for a surety insurer to enter into any contract of indemnity or
 22 security with any person if such contract is not otherwise prohibited by law or against public policy.

23 **SECTION 37.** ORS 703.430 is amended to read:

24 703.430. (1) The Department of Public Safety Standards and Training shall issue:

25 (a) A private investigator's license if the applicant has satisfied the requirements of ORS 703.415
 26 and 703.425 and is in compliance with the rules of the Board on Public Safety Standards and
 27 Training and the department.

28 (b) A provisional investigator's license if the applicant has satisfied the requirements of ORS
 29 703.415 (1) to (6) and 703.425 and is in compliance with the rules of the board and department. A
 30 person who has a provisional investigator's license may not employ or supervise other investigators.

31 **(2) A person may not act as a bail recovery agent in this state unless the person is issued**
 32 **a private investigator's license under this section with an endorsement as a bail recovery**
 33 **agent issued under this subsection. The board shall adopt rules establishing requirements,**
 34 **procedures and fees for issuing an endorsement as a bail recovery agent and the scope and**
 35 **duration of the endorsement. The requirements must include training and continuing edu-**
 36 **cation in the lawful location and apprehension of fugitive criminal defendants.**

37 [(2)] (3) The department may issue:

38 (a) A temporary investigator's license to a person licensed as an investigator by another juris-
 39 diction. The board shall adopt rules to carry out this paragraph including, but not limited to, rules
 40 establishing requirements, procedures and fees for issuing a temporary investigator's license and the
 41 scope and duration of the license.

42 (b) An interim investigator's license to a person who:

43 (A) Has applied for a private investigator's license or a provisional investigator's license and
 44 whose application has not been granted or denied;

45 (B) Works only for a private investigator licensed under this section, an attorney or another

1 employer who has requested that the person be issued an interim investigator's license;

2 (C) Has never been convicted of, pleaded guilty or no contest to or forfeited security for a crime;
3 and

4 (D) Meets all requirements established by the board by rule including, but not limited to, rules
5 establishing requirements, procedures and fees for issuing an interim investigator's license and the
6 scope and duration of the license.

7 **(4) A person may not be issued an endorsement as a bail recovery agent while the person**
8 **holds a temporary investigator's license or an interim investigator's license.**

9 [(3)] (5) A license issued under subsection (1) of this section expires two years following the date
10 of issuance or on the assigned renewal date.

11 **SECTION 38.** ORS 181.637 is amended to read:

12 181.637. (1) The Board on Public Safety Standards and Training shall establish the following
13 policy committees:

- 14 (a) Corrections Policy Committee;
- 15 (b) Fire Policy Committee;
- 16 (c) Police Policy Committee;
- 17 (d) Telecommunications Policy Committee; and
- 18 (e) Private Security Policy Committee.

19 (2) The members of each policy committee shall select a chairperson and vice chairperson for
20 the policy committee. Only members of the policy committee who are also members of the board are
21 eligible to serve as a chairperson or vice chairperson. The vice chairperson may act as chairperson
22 in the absence of the chairperson.

23 (3) The Corrections Policy Committee consists of:

- 24 (a) All of the board members who represent the corrections discipline;
- 25 (b) The chief administrative officer of the training division of the Department of Corrections;
- 26 (c) A security manager from the Department of Corrections recommended by the Director of the
27 Department of Corrections; and

28 (d) The following, who may not be current board members, appointed by the chairperson of the
29 board:

- 30 (A) One person recommended by and representing the Oregon State Sheriffs' Association;
- 31 (B) Two persons recommended by and representing the Oregon Sheriff's Jail Command Council;
- 32 (C) One person recommended by and representing a statewide association of community cor-
33 rections directors;
- 34 (D) One nonmanagement corrections officer employed by the Department of Corrections;
- 35 (E) One corrections officer who is a female, who is employed by the Department of Corrections
36 at a women's correctional facility and who is a member of a bargaining unit; and
- 37 (F) Two nonmanagement corrections officers.

38 (4) The Fire Policy Committee consists of:

- 39 (a) All of the board members who represent the fire service discipline; and
- 40 (b) The following, who may not be current board members, appointed by the chairperson of the
41 board:

- 42 (A) One person recommended by and representing a statewide association of fire instructors;
- 43 (B) One person recommended by and representing a statewide association of fire marshals;
- 44 (C) One person recommended by and representing community college fire programs;
- 45 (D) One nonmanagement firefighter recommended by a statewide organization of firefighters; and

1 (E) One person representing the forest protection agencies and recommended by the State
2 Forestry Department.

3 (5) The Police Policy Committee consists of:

4 (a) All of the board members who represent the law enforcement discipline; and

5 (b) The following, who may not be current board members, appointed by the chairperson of the
6 board:

7 (A) One person recommended by and representing the Oregon Association Chiefs of Police;

8 (B) Two persons recommended by and representing the Oregon State Sheriffs' Association;

9 (C) One command officer recommended by and representing the Oregon State Police; and

10 (D) Three nonmanagement law enforcement officers.

11 (6) The Telecommunications Policy Committee consists of:

12 (a) All of the board members who represent the telecommunications discipline; and

13 (b) The following, who may not be current board members, appointed by the chairperson of the
14 board:

15 (A) Two persons recommended by and representing a statewide association of public safety
16 communications officers;

17 (B) One person recommended by and representing the Oregon Association Chiefs of Police;

18 (C) One person recommended by and representing the Oregon State Police;

19 (D) Two persons representing telecommunicators;

20 (E) One person recommended by and representing the Oregon State Sheriffs' Association;

21 (F) One person recommended by and representing the Oregon Fire Chiefs Association;

22 (G) One person recommended by and representing the Emergency Medical Services and Trauma
23 Systems Program of the Oregon Health Authority; and

24 (H) One person representing emergency medical services providers and recommended by a
25 statewide association dealing with fire medical issues.

26 (7) The Private Security Policy Committee consists of:

27 (a) All of the board members who represent the private security industry; and

28 (b) The following, who may not be current board members, appointed by the chairperson of the
29 board:

30 (A) One person representing unarmed private security professionals;

31 (B) One person representing armed private security professionals;

32 **(C) One person representing the bail industry;**

33 [(C)] **(D)** One person representing the health care industry;

34 [(D)] **(E)** One person representing the manufacturing industry;

35 [(E)] **(F)** One person representing the retail industry;

36 [(F)] **(G)** One person representing the hospitality industry;

37 [(G)] **(H)** One person representing private business or a governmental entity that utilizes private
38 security services;

39 [(H)] **(I)** One person representing persons who monitor alarm systems;

40 [(I)] **(J)** Two persons who are investigators licensed under ORS 703.430, one of whom is recom-
41 mended by the Oregon State Bar and one of whom is in private practice; and

42 [(J)] **(K)** One person who represents the public at large and who is not related within the second
43 degree by affinity or consanguinity to a person who is employed or doing business as a private se-
44 curity professional or executive manager, as defined in ORS 181.870, or as an investigator, as defined
45 in ORS 703.401.

1 (8) In making appointments to the policy committees under this section, the chairperson of the
 2 board shall seek to reflect the diversity of the state's population. An appointment made by the
 3 chairperson of the board must be ratified by the board before the appointment is effective. The
 4 chairperson of the board may remove an appointed member for just cause. An appointment to a
 5 policy committee that is based on the member's employment is automatically revoked if the member
 6 changes employment. The chairperson of the board shall fill a vacancy in the same manner as
 7 making an initial appointment. The term of an appointed member is two years. An appointed member
 8 may be appointed to a second term.

9 (9) A policy committee may meet at such times and places as determined by the policy commit-
 10 tee in consultation with the Department of Public Safety Standards and Training. A majority of a
 11 policy committee constitutes a quorum to conduct business. A policy committee may create sub-
 12 committees if needed.

13 (10)(a) Each policy committee shall develop policies, requirements, standards and rules relating
 14 to its specific discipline. A policy committee shall submit its policies, requirements, standards and
 15 rules to the board for the board's consideration. When a policy committee submits a policy, re-
 16 quirement, standard or rule to the board for the board's consideration, the board shall:

17 (A) Approve the policy, requirement, standard or rule;

18 (B) Disapprove the policy, requirement, standard or rule; or

19 (C) Defer a decision and return the matter to the policy committee for revision or reconsider-
 20 ation.

21 (b) The board may defer a decision and return a matter submitted by a policy committee under
 22 paragraph (a) of this subsection only once. If a policy, requirement, standard or rule that was re-
 23 turned to a policy committee is resubmitted to the board, the board shall take all actions necessary
 24 to implement the policy, requirement, standard or rule unless the board disapproves the policy, re-
 25 quirement, standard or rule.

26 (c) Disapproval of a policy, requirement, standard or rule under paragraph (a) or (b) of this
 27 subsection requires a two-thirds vote by the members of the board.

28 (11) At any time after submitting a matter to the board, the chairperson of the policy committee
 29 may withdraw the matter from the board's consideration.

30 **SECTION 39.** ORS 18.048 is amended to read:

31 18.048. (1) Except as provided in this section, the judgment document in a criminal action that
 32 contains a money award, whether by reason of a fine, restitution, forfeiture of security under [ORS
 33 135.280] **section 8 of this 2015 Act**, a fee, an assessment, costs and disbursements or any other
 34 monetary obligation, must contain a separate section clearly labeled at its beginning as a money
 35 award. The separate section must be placed immediately above the judge's or court administrator's
 36 signature. If the judgment includes an award of restitution, the label of the separate section must
 37 so indicate.

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

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

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

1 disclosure in the public record.

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

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

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

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

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

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

21 (6) A judgment in a criminal action that includes a money award, but does not contain a sepa-
 22 rate section clearly labeled as a money award, does not create a judgment lien but may be enforced
 23 by any other judgment remedy.

24 **SECTION 40.** ORS 25.715 is amended to read:

25 25.715. (1) The court may order that the portion of a security deposit made under ORS 135.265
 26 that would otherwise be returned to the person who made the deposit or the amount of child support
 27 arrearages, whichever is less, be paid to an obligee or the Division of Child Support of the Depart-
 28 ment of Justice if:

29 (a) The defendant is an obligor who owes child support arrearages;

30 (b) The obligee or the administrator has filed a motion requesting the court to make such an
 31 order;

32 (c) The obligee or the administrator has served the defendant with a copy of the motion;

33 (d) The defendant has an opportunity to respond and request a hearing; and

34 (e) The court has determined that such an order is appropriate.

35 (2) The court may order that a portion of a security deposit that is forfeited under [ORS
 36 135.280] **section 8 of this 2015 Act** be paid to the division and be applied to any unsatisfied child
 37 support judgment and to provide security for child support payments in accordance with ORS 25.230
 38 if:

39 (a) The defendant is an obligor who owes child support;

40 (b) The administrator has filed a motion requesting the court to make such an order;

41 (c) The motion specifies the amount to be applied to the child support judgment under [ORS
 42 135.280] **section 8 of this 2015 Act**; and

43 (d) The court has determined that such an order is appropriate.

44 **SECTION 41.** ORS 137.050 is amended to read:

45 137.050. (1) If the defendant has been released on a release agreement or security deposit and

1 does not appear for judgment when personal attendance is required by the court, the court may
 2 order a forfeiture of the security deposit as provided in [ORS 135.280] **section 8 of this 2015 Act.**
 3 In addition, if the defendant fails to appear as required by the release agreement or security deposit,
 4 the court may direct the clerk to issue a bench warrant for the defendant's arrest.

5 (2) At any time after the making of the order for the bench warrant, the clerk, on the applica-
 6 tion of the district attorney, shall issue such warrant, as by the order directed, whether the court
 7 is sitting or not.

8 **SECTION 42. Sections 5 to 10 and 18 to 30 of this 2015 Act and the amendments to ORS**
 9 **18.048, 25.715, 33.075, 131.405, 133.450, 135.230, 135.245, 135.265, 135.280, 137.050, 138.250, 157.050,**
 10 **181.637, 703.430, 731.036, 731.186, 731.292, 742.350, 742.356, 744.052 and 744.062 by sections 1 to**
 11 **4, 11 to 17 and 31 to 41 of this 2015 Act become operative on January 1, 2017.**

12 **SECTION 43. (1) The Department of Consumer and Business Services may take any**
 13 **action before the operative date specified in section 42 of this 2015 Act that is necessary for**
 14 **the department to exercise, on and after the operative date specified in section 42 of this 2015**
 15 **Act, all of the duties, functions and powers conferred on the department by sections 19 to**
 16 **25, 27, 28 and 30 of this 2015 Act and the amendments to ORS 731.036, 731.186, 731.292, 742.350,**
 17 **742.356, 744.052 and 744.062 by sections 16, 17 and 31 to 36 of this 2015 Act.**

18 (2) The Department of Public Safety Standards and Training and the Board on Public
 19 Safety Standards and Training may take any action before the operative date specified in
 20 section 42 of this 2015 Act that is necessary for the department or the board, as applicable,
 21 to exercise, on and after the operative date specified in section 42 of this 2015 Act, all of the
 22 duties, functions and powers conferred on the department or the board by the amendments
 23 to ORS 181.637 and 703.430 by sections 37 and 38 of this 2015 Act.

24