

Requested by Representative FREDERICK

**PROPOSED AMENDMENTS TO
HOUSE BILL 4123**

1 On page 1 of the printed bill, delete lines 4 through 27.

2 On page 2, delete lines 1 through 18 and insert:

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

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

8 **“(b) ‘Community service’ has the meaning given that term under**
9 **ORS 137.126.**

10 **“(c) ‘Delinquent fees or debts’ means:**

11 **“(A) Unpaid costs for conviction;**

12 **“(B) Attorney fees;**

13 **“(C) Costs related to criminal conviction that a person accumulated**
14 **while incarcerated; or**

15 **“(D) Fees of any judgement that includes a monetary obligation**
16 **that the court or judicial branch is charged with collecting as de-**
17 **scribed in ORS 1.202.**

18 **“(d) ‘Person’ means an individual who has served a sentence in the**
19 **legal custody of the Department of Corrections and who is serving an**
20 **active period of post-prison supervision under the jurisdiction of the**
21 **department or a community corrections agency or other local super-**

1 **visory authority.**

2 **“(e) ‘Supervisory authority’ has the meaning given that term under**
3 **ORS 144.087.**

4 **“(2)(a) The Department of Corrections, in consultation with the**
5 **State Board of Parole and Post-Prison Supervision and community**
6 **corrections agencies, shall establish by rule a community service ex-**
7 **change program to allow a person, when the department determines**
8 **that paying delinquent fees or debts and supervision fees imposes a**
9 **barrier to the person’s successful reentry into the community, to enter**
10 **into a written agreement with a community-based organization to**
11 **perform community service in lieu of payment of the delinquent fees**
12 **or debts and supervision fees.**

13 **“(b) A person may not participate in the community service ex-**
14 **change program more than once.**

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

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

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

21 **“(c) Minimum fines for misdemeanors and felonies under ORS**
22 **137.286; or**

23 **“(d) Fines for traffic offenses.**

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

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

30 **“(b) Obtain the approval of the terms of the written agreement of**

1 the department.

2 “(5) A community-based organization shall supervise and record the
3 community service that a person performs to fulfill the requirements
4 established by the written agreement described under this section. The
5 community-based organization shall notify the department as soon as
6 a person has entered into the community service exchange program
7 and when the person has successfully fulfilled or failed to meet the
8 requirements of the program.

9 “(6) Within 30 days of the department receiving notification that a
10 person is participating in the community service exchange program:

11 “(a) The department shall notify the court of the county in which
12 the person was convicted. Notwithstanding ORS 137.143, upon notifi-
13 cation from the department, the court shall suspend all collection ac-
14 tivity of delinquent fees or debts.

15 “(b) If a person is under the supervision of a community corrections
16 agency or other local supervisory authority, the department shall no-
17 tify the agency or the authority, and the agency or the authority shall
18 cause all collection of supervision fees, including but not limited to
19 those ordered pursuant to ORS 423.570, to be ceased.

20 “(c) If the person is under the supervision of the department, the
21 department shall cause all collection of supervision fees, including but
22 not limited to those ordered pursuant to ORS 423.570, to be ceased.

23 “(7)(a) When a person has successfully fulfilled the requirements
24 of the community service exchange program, the community-based
25 organization shall notify the department and the department shall
26 send a notice of completion to the court of the county in which the
27 person was convicted.

28 “(b) If the person is under the supervision of the department, upon
29 notification of completion from the community-based organization,
30 the department shall waive the supervision fees, including but not

1 limited to those ordered pursuant to ORS 423.570.

2 “(c) If the person is under the supervision of a community cor-
3 rections agency or other local supervisory authority, upon notification
4 of completion from the community-based organization, the department
5 shall notify the agency or authority and the agency or authority shall
6 waive the supervision fees, including but not limited to those ordered
7 pursuant to ORS 423.570, and the local supervisory authority may
8 waive all other fees to offset the costs of supervision.

9 “(d) Upon notification of completion from the department, the
10 court shall update the record of monetary obligations imposed for the
11 convictions to reflect a waiver of delinquent fees or debts.

12 “(8) If a person fails to meet the requirements of the community
13 service exchange program:

14 “(a) The community-based organization shall notify the department
15 and, if applicable, the department shall notify the community cor-
16 rections agency or other local supervisory authority. Upon notifica-
17 tion, the department, the agency or the authority shall resume
18 collection of the supervision fees, including but not limited to those
19 ordered pursuant to ORS 423.570.

20 “(b) Within 30 days of the department receiving notification from
21 the community-based organization, the department shall notify the
22 court of the county in which the person was convicted.

23 “(c) Upon notification from the department, the court shall resume
24 collection of delinquent fees or debts.

25 “(9) After 60 months from the date of the written agreement de-
26 scribed in this section has passed, the court shall verify that a person
27 has not been convicted of a new crime in Oregon. If the person has
28 been convicted of a new crime within 60 months:

29 “(a) The court shall resume collection of delinquent fees or debts;

30 “(b) The court shall notify the department, and the department

1 **shall resume collection of supervision fees, including but not limited**
2 **to those ordered pursuant to ORS 423.570; and**

3 **“(c) If applicable, the department shall notify the community cor-**
4 **rections agency or other local supervisory authority and the agency**
5 **or authority shall resume collection of supervision fees, including but**
6 **not limited to those ordered pursuant to ORS 423.570.”.**

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