

HB 2491-1  
(LC 2847)  
4/8/25 (JLM/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Oregon Law Center)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2491**

1 In line 1 of the printed bill, after “courts” insert “; creating new pro-  
2 visions; and amending ORS 151.505, 161.665 and 161.685”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1. (1) Upon the filing of a petition for the remission of**  
5 **finances, fees or costs under ORS 151.505 (4), 161.665 (5) or 161.685 (5)(b),**  
6 **the court shall proceed as described in this section.**

7 **“(2) Upon receiving the petition, the court may hold a hearing.**  
8 **When determining whether to remit a fine, fee or cost under this**  
9 **section, the court shall consider the following factors to the extent**  
10 **that the parties offer relevant evidence concerning each factor:**

11 **“(a) The financial resources, including income and assets, of the**  
12 **petitioner;**

13 **“(b) The financial obligations of the petitioner;**

14 **“(c) The nature of the burden the debt imposes on the petitioner;**

15 **“(d) Whether the petitioner qualifies for public assistance;**

16 **“(e) The age of the debt; and**

17 **“(f) Any other equitable factor.**

18 **“(3)(a) If the court determines that requiring payment of the fine,**  
19 **fee or cost would be a manifest hardship for the petitioner or the im-**  
20 **mediate family of the petitioner, the court shall enter a supplemental**  
21 **judgment that remits all or part of the amount due or that modifies**

1 **the method of payment.**

2 **“(b) The court has authority under this section to remit all or part**  
3 **of any fee or cost associated with the case for which the original order**  
4 **or judgment containing the monetary obligation was entered, regard-**  
5 **less of when the obligation arose.**

6 **“(4) If the court fully remits a fine, fee or cost under this section,**  
7 **the person shall be considered to have fully complied with or per-**  
8 **formed the sentence of the court with respect to the fine, fee or cost**  
9 **for purposes of ORS 137.225.**

10 **“(5) The State Court Administrator shall develop one standardized**  
11 **form to be used for petitions for the remission of fines, fees or costs**  
12 **under ORS 151.505 (4), 161.665 (5) and 161.685 (5)(b) and shall ensure**  
13 **that the form is made available on the website of the Judicial De-**  
14 **partment.**

15 **“SECTION 2. ORS 151.505 is amended to read:**

16 **“151.505. (1) At the conclusion of a case or matter in which the first**  
17 **accusatory instrument or petition in the trial court was filed after January**  
18 **1, 1998, and in which the court appointed counsel to represent a person, a**  
19 **trial, appellate or post-conviction court may include in its judgment a money**  
20 **award requiring that the person repay in full or in part the administrative**  
21 **costs of determining the eligibility of the person for appointed counsel, and**  
22 **the costs of the legal and other services that are related to the provision of**  
23 **appointed counsel, that have not previously been required to be paid under**  
24 **a limited judgment entered under ORS 151.487. An award under this section**  
25 **is a monetary obligation payable to the state.**

26 **“(2) Costs that may be included in a money award under this section in-**  
27 **clude a reasonable attorney fee for counsel appointed to represent the person**  
28 **and a reasonable amount for expenses authorized under ORS 135.055. A rea-**  
29 **sonable attorney fee is presumed to be a reasonable number of hours at the**  
30 **hourly rate authorized by the Oregon Public Defense Commission under ORS**

1 151.216. For purposes of this subsection, compensation of counsel is deter-  
2 mined by reference to a schedule of compensation established by the com-  
3 mission.

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

9 “(4)(a) A person who has been required to pay costs under this section  
10 and who is not in contumacious default in the payment of the costs may at  
11 any time petition the court for remission of the payment of costs or any  
12 unpaid portion of the costs. *[If it appears to the satisfaction of the court that*  
13 *payment of the amount due will impose manifest hardship on the person or-*  
14 *dered to repay or on the immediate family of the person, or will interfere with*  
15 *the ability of the person to complete an alcohol or drug treatment program, the*  
16 *court may enter a supplemental judgment that remits all or part of the amount*  
17 *due or modifies the method of payment.]* **Upon receiving a petition de-**  
18 **scribed in this paragraph, the court shall proceed under section 1 of**  
19 **this 2025 Act.**

20 “(b) In accordance with ORS 144.089, a person may enter into a written  
21 agreement to participate in a community service exchange program as an  
22 alternative to paying costs imposed under this section.

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

27 **“SECTION 3.** ORS 161.665 is amended to read:

28 “161.665. (1) Except as provided in ORS 151.505, the court, only in the case  
29 of a defendant for whom it enters a judgment of conviction, may include in  
30 its sentence thereunder a money award for all costs specially incurred by the

1 state in prosecuting the defendant. Costs include a reasonable attorney fee  
2 for counsel appointed pursuant to ORS 135.045 or 135.050 and a reasonable  
3 amount for fees and expenses incurred pursuant to preauthorization under  
4 ORS 135.055. A reasonable attorney fee is presumed to be a reasonable  
5 number of hours at the hourly rate authorized by the Oregon Public Defense  
6 Commission under ORS 151.216. Costs do not include expenses inherent in  
7 providing a constitutionally guaranteed jury trial or expenditures in con-  
8 nection with the maintenance and operation of government agencies that  
9 must be made by the public irrespective of specific violations of law.

10 “(2) Except as provided in ORS 151.505, the court, after the conclusion  
11 of an appeal of its initial judgment of conviction, may include in its general  
12 judgment, or enter a supplemental judgment that includes, a money award  
13 that requires a convicted defendant to pay a reasonable attorney fee for  
14 counsel appointed pursuant to ORS 138.500, including counsel who is ap-  
15 pointed under ORS 151.216 or counsel who is under contract to provide ser-  
16 vices for the proceeding under ORS 151.219, and other costs and expenses  
17 allowed by the executive director of the Oregon Public Defense Commission  
18 under ORS 138.500 (4). A reasonable attorney fee is presumed to be a rea-  
19 sonable number of hours at the hourly rate authorized by the commission  
20 under ORS 151.216.

21 “(3) For purposes of subsections (1) and (2) of this section, compensation  
22 of counsel is determined by reference to a schedule of compensation estab-  
23 lished by the commission under ORS 151.216.

24 “(4) The court may not sentence a defendant to pay costs under this sec-  
25 tion unless the defendant is or may be able to pay them. In determining the  
26 amount and method of payment of costs, the court shall take account of the  
27 financial resources of the defendant and the nature of the burden that pay-  
28 ment of costs will impose.

29 “(5) A defendant who has been sentenced to pay costs under this section  
30 and who is not in contumacious default in the payment of costs may at any

1 time petition the court that sentenced the defendant for remission of the  
2 payment of costs or of any unpaid portion of costs. [*If it appears to the sat-*  
3 *isfaction of the court that payment of the amount due will impose manifest*  
4 *hardship on the defendant or the immediate family of the defendant, the court*  
5 *may enter a supplemental judgment that remits all or part of the amount due*  
6 *in costs, or modifies the method of payment under ORS 161.675.] **Upon re-**  
7 **ceiving a petition described in this subsection, the court shall proceed**  
8 **under section 1 of this 2025 Act.***

9 “(6) Except as provided in subsection (7) of this section, all moneys col-  
10 lected or paid under this section shall be paid into the Criminal Fine Ac-  
11 count.

12 “(7) The court may, in the judgment of conviction, include a money award  
13 requiring the defendant to pay the costs of extraditing the defendant to this  
14 state. Any amounts awarded to the state under this subsection must be listed  
15 separately in the money award portion of the judgment. All moneys collected  
16 or paid under this subsection shall be deposited into the Arrest and Return  
17 Account established by ORS 133.865.

18 **“SECTION 4.** ORS 161.685 is amended to read:

19 “161.685. (1) When a defendant who has been sentenced or ordered to pay  
20 a fine, or to make restitution, defaults on a payment or installment ordered  
21 by the court, the court on motion of the district attorney or upon its own  
22 motion may require the defendant to show cause why the default should not  
23 be treated as contempt of court, and may issue a show cause citation or a  
24 warrant of arrest for the appearance of the defendant.

25 “(2) If the court finds that the default constitutes contempt, the court may  
26 impose one or more of the sanctions authorized by ORS 33.105.

27 “(3) When a fine or an order of restitution is imposed on a corporation  
28 or unincorporated association, it is the duty of the person authorized to  
29 make disbursement from the assets of the corporation or association to pay  
30 the fine or make the restitution from those assets, and if that person fails

1 to do so, the court may hold that person in contempt.

2 “(4) Notwithstanding ORS 33.105, the term of confinement for contempt  
3 for nonpayment of fines or failure to make restitution shall be set forth in  
4 the commitment order, and shall not exceed one day for each \$25 of the fine  
5 or restitution, 30 days if the fine or order of restitution was imposed upon  
6 conviction of a violation or misdemeanor, or one year in any other case,  
7 whichever is the shorter period.

8 “(5)(a) If it appears to the satisfaction of the court that the default in the  
9 payment of [*a fine or*] restitution is not contempt, the court may enter an  
10 order allowing the defendant additional time for payment, reducing the  
11 amount of the payment or installments due on the payment, or revoking the  
12 [*fine or*] order of restitution in whole or in part.

13 “(b) **A defendant who has been sentenced to pay a fine and who is**  
14 **not in contumacious default in the payment of the fine may at any**  
15 **time petition the court that sentenced the defendant for remission of**  
16 **the payment of the fine or of any unpaid portion of the fine. Upon**  
17 **receiving a petition described in this paragraph, the court shall pro-**  
18 **ceed under section 1 of this 2025 Act.**

19 “(6) A default in the payment of a fine or costs or failure to make  
20 restitution or a default on an installment on a fine, costs or restitution may  
21 be collected by any means authorized by law for the enforcement of a judg-  
22 ment. The levy of execution or garnishment for the collection of a fine or  
23 restitution shall not discharge a defendant confined for contempt until the  
24 amount of the fine or restitution has actually been collected.

25 “(7) The court, or the court clerk if ordered by the court, may report a  
26 default on a court-ordered payment to a consumer reporting agency.

27 “(8) The Chief Justice of the Supreme Court shall adopt rules under ORS  
28 1.002 establishing policies and procedures for reporting a default under sub-  
29 section (7) of this section to a consumer reporting agency that may include,  
30 but are not limited to, limitations on reporting a default to a consumer re-

1 reporting agency.

2 “(9) Except as otherwise provided in this section, proceedings under this  
3 section shall be conducted:

4 “(a) As provided in ORS 33.055, if the court seeks to impose remedial  
5 sanctions as described in ORS 33.015 to 33.155; and

6 “(b) As provided in ORS 33.065, if the court seeks to impose punitive  
7 sanctions as described in ORS 33.015 to 33.155.

8 “(10) Confinement under this section may be custody or incarceration,  
9 whether actual or constructive.

10 “(11) As used in this section:

11 “(a) ‘Consumer reporting agency’ means any person that regularly en-  
12 gages for fees, dues, or on a nonprofit basis, in whole or in part, in the  
13 practice of assembling or evaluating consumer credit information or other  
14 information on consumers for the purpose of furnishing consumer reports to  
15 third parties.

16 “(b) ‘Restitution’ has the meaning given that term in ORS 137.103.”

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