House Bill 2896

Sponsored by Representative WITT

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.**

Provides that court may not issue warrant or impose sanction of confinement for contempt that results from defendant's failure to comply with judgment debtor examination or written interrogatories. Provides that person against whom contempt complaint has been issued as result of failure to comply with judgment debtor examination or written interrogatories may not be cited to appear in lieu of custody.

Declares emergency, effective on passage.

1 **A BILL FOR AN ACT**

2 Relating to judgment debtors; creating new provisions; amending ORS 33.075; and declaring an

3 emergency.

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

5 SECTION 1. **Section 2 of this 2017 Act is added to and made a part of ORS 33.015 to 33.155.**

6 SECTION 2. **Notwithstanding ORS 33.045 and 33.105, a court may not issue a warrant or**

7 **impose a sanction of confinement for contempt that results from the defendant's failure to**

8 **comply with the provisions of ORS 18.265, 18.268 or 18.270.**

9 SECTION 3. ORS 33.075 is amended to read:

10 33.075. (1) **Except as provided in section 2 of this 2017 Act,** if a person served with an order

11 to appear under ORS 33.055 fails to appear at the time and place specified in the order, the court

12 may issue any order or warrant necessary to compel the appearance of the defendant.

13 (2) A person against whom a complaint has been issued under ORS 33.065 may be cited to ap-

14 pear in lieu of custody as provided in ORS 133.055. **Except as provided in section 2 of this 2017**

15 **Act,** if the person fails to appear at the time and place specified in the citation, the court may issue

16 any order or warrant necessary to compel the appearance of the defendant.

17 (3) When the court issues a warrant for contempt, the court shall specify a security amount.

18 Unless the defendant pays the security amount upon arrest, the sheriff shall keep the defendant in

19 custody until either a release decision is made by the court or until disposition of the contempt

20 proceedings.

21 (4) The defendant shall be discharged from the arrest upon executing and delivering to the

22 sheriff, at any time before the return day of the warrant, a security release or a release agreement

23 as provided in ORS 135.230 to 135.290, to the effect that the defendant will appear on the return day

24 and abide by the order or judgment of the court or officer or pay, as may be directed, the sum

25 specified in the warrant.

26 (5) The sheriff shall return the warrant and the security deposit, if any, given to the sheriff by

27 the defendant by the return day specified in the warrant.

28 (6) When a warrant for contempt issued under subsection (2) of this section has been returned

29 after having been served and the defendant does not appear on the return day, the court may do

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 either or both of the following:

2   (a) Issue another warrant.

3   (b) Proceed against the security deposited upon the arrest.

4   (7) If the court proceeds against the security under subsection (6) of this section and the sum

5 specified is recovered, the court may award to any party to the action any or all of the money re-

6 covered as remedial damages.

7   **SECTION 4. Section 2 of this 2017 Act and the amendments to ORS 33.075 by section 3**

8 **of this 2017 Act apply only to contempt proceedings commenced on or after the effective date**

9 **of this 2017 Act.**

10   **SECTION 5. This 2017 Act being necessary for the immediate preservation of the public**

11 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**

12 **on its passage.**

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