



IN THE SIXTH JUDICIAL DISTRICT OF THE STATE OF OREGON

In the Matter of the Application of
Posted Security Monies to Defendant's
Financial Obligations

PRESIDING JUDGE ORDER

No. 16-004

THIS ORDER REPLACES PRESIDING JUDGE ORDER 06-001

IT APPEARING TO THE COURT that ORS 137.300 provides that all fines, fees, costs, assessments, restitution, compensatory fines, judgments and other monetary obligations including administrative retainage costs imposed against security posted, of a person convicted in the Circuit Court constitute a single financial obligation; and

WHEREAS ORS 135.265 provides for a 15% administrative retainage, not less than \$5 nor greater than \$750, on posted security, which includes when a case is otherwise dismissed; and

WHEREAS third parties who post security for a defendant are advised that amounts posted as security may be applied to all financial obligations of the defendant with the Court; and

IT APPEARING TO THE COURT that satisfaction of a defendant's financial obligation promotes consistency, fairness and efficiency in the justice system; therefore

IT IS HEREBY ORDERED that amounts posted as security by a defendant or by a third party on a defendant's behalf may be applied to that financial obligation incurred by the defendant, regardless of whether the financial obligation arises from the case in which security is posted or another, even if the case with posted security is dismissed pursuant to ORS 135.753.

IT IS ALSO ORDERED that, if a defendant has no outstanding financial obligation to be satisfied from the funds posted by a third party as security, any remaining security monies may be applied to the third party's outstanding financial obligation to the Court.

IT IS LASTLY ORDERED that only after all financial obligations of a defendant and a third party posting security have been satisfied, will remaining fund balance, after administrative retainage, be refunded to the person recorded as having posted the security.

DATED: July 22, 2016

DANIEL J. HILL
Presiding Judge of the Circuit Court