

In the Matter of Refunding Security Deposits in)
Criminal Actions) GENERAL ORDER

The mere inclusion in the Court's written judgment of provisions which directly or indirectly allow the defendant a period of time in which to pay unsuspended fines, assessments, fees, restitution or reimbursement to the State of Oregon for court-appointed counsel for defendant, whether payment is to be made in lump sum or by installment, is not an express direction for the Court to apply and refund an unforfeited security deposit otherwise

1 than provided above. Instead, such provisions, unaccompanied by an express direction for a different disposition
2 of a security release deposit, shall only authorize the disposition of the deposit provided by this order, but shall
3 operate to allow the defendant to pay any remaining balance of unsuspended fines, assessments, fees, restitution
4 and reimbursement to the State of Oregon for fees and expenses of court-appointed counsel within the time and
5 in the manner provided by the judgment.

6 In all criminal actions in which a Circuit Judge orders, in writing or on the record, that a security deposit be
7 returned to "defendant," but the security deposit was posted by a person other than the defendant, the deposit
8 will be returned to the person who posted the security. Security release funds may be refunded to a party other
9 than the person who posted the funds, even when an assignment of security has been filed, only upon written
10 request by counsel and upon order of the court or by the court's own motion.

11 When the original amount of security is reduced, the clerk shall first withhold 15% of the original security,
12 from the amount no longer needed, and pay any outstanding obligations of the defendant before any funds are
13 returned, unless otherwise directed by the court.

14 In all criminal actions in which the return of the defendant's security deposit is ordered on record to be
15 returned, prior to sentencing, and an order has not been signed by the judge, the Accounting Department is
16 directed to return 85% of the security deposit to the person who posted security, unless it is ordered that 100% of
17 the deposit be returned, based upon the Court Clerk's documentation in the file. The balance of money to be
18 returned to the person who posted it shall first be applied to fines, fees, assessments, and child support owed to
19 the court, as outlined in this Order, unless otherwise ordered by the court.

20 In all criminal actions in which security release funds have been deposited, and the Deschutes County
21 District Attorney has declined to prosecute, or has not filed a charging instrument within 45 days of the court's
22 receipt of the security release funds, the Trial Court Administrator shall dispose of the security release funds upon
23 receipt of the District Attorney's notice of decline, upon order of the Court, or 45 days after receipt of the security
24 funds, whichever occurs first. Unless expressly directed otherwise by the Court, the Trial Court Administrator shall
25 apply and refund the security deposit as outlined in this Order.
26

An Order to Hold Security Pending Disposition, shall not delay the final disposition of a criminal case and the disbursement of security as stated in this Order, unless a Judgment Applying Security to Child Support is received prior to the entry of the criminal judgment.

This Order supersedes all previous Orders regarding the return or refund of Security Deposits in criminal actions.

DATED this 2 day of Nov, 2011


MICHAEL C. SULLIVAN, Presiding Judge