

In the Matter of Out-of-Cycle Adoption)
of New Uniform Trial Court Rule 4.110)

CHIEF JUSTICE ORDER
No. 17-039

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OUT-OF-CYCLE ADOPTION OF NEW
UNIFORM TRIAL COURT RULE 4.110

I HEREBY ORDER, pursuant to ORS 1.002 and UTCR 1.020, that:

1. Good cause has been shown and the time limits established by UTCR 1.020(2), (3), and (4) are waived for the adoption of new UTCR 4.110.
2. New UTCR 4.110, as shown in Attachment A to this order, is adopted effective August 1, 2017.
3. Pursuant to UTCR 1.020(5), the UTCR Reporter shall take the steps necessary to post this rule for public comment as soon as practicable and shall place it on the agenda of the next UTCR Committee meeting.

Dated this 24th day of July, 2017.



Thomas A. Balmer
Chief Justice

**ATTACHMENT A
TO CJO NO. 17-039**

4.110 DEFENDANT MOTION FOR REIMBURSEMENT

- (1) As used in this rule, "reviewing court" means an appellate court or a post-conviction relief court.
- (2) A defendant may request reimbursement of costs, fines, fees, and restitution imposed by the court as a result of conviction and paid by the defendant to the court pursuant to a criminal judgment if:
 - (a) The criminal judgment has been reversed or vacated by a reviewing court; and
 - (b) All opportunities to seek a criminal judgment through retrial on remand and appeal are time barred or have been waived by the prosecutor.
- (3) A defendant seeking reimbursement must file and serve on the prosecutor a motion in the criminal case that states:
 - (a) Information showing that the criminal judgment has been reversed or vacated by a reviewing court;
 - (b) The name of the reviewing court, the reviewing court case number, and the date of the reviewing court decision;
 - (c) Information showing that all opportunities to seek a criminal judgment through retrial on remand and appeal are time barred or have been waived by the prosecutor; and
 - (d) The itemized amounts that the defendant has paid to the court in costs, fines, fees, and restitution.
- (4) This rule does not apply to fees imposed by the court on a defendant independent of conviction or acquittal, including indigent defense application fees, contribution fees, and attorney's fees.