# Chapter 22

(1971 reprint)

# Bonds and Undertakings or Deposits in Lieu Thereof


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## CROSS REFERENCES

Unclaimed property held for owner, 98.302 to 98.436

22.010

Post-conviction relief proceeding, undertaking not required, 138.600

State not required to advance costs or disbursements, 20.140

22.020

Bail, deposit of money in lieu of, 140.810 to 140.330

Federal Housing Administrator mortgages, bonds and debentures eligible as deposits, 86.630

**22.010 State, county or city not required to furnish any bond in any action.** The state, or any county or incorporated city, shall not be required to furnish any bond or undertaking upon appeal or otherwise in any action or proceeding in any court in this state in which it is a party or interested.

**22.020 Deposit of money, checks or federal or municipal obligations, in lieu of bail or bond.** In any cause, action, proceeding or matter before any court, board or commission in this state or upon appeal from any action of any such court, board or commission, where bond or bail of any character is required or permitted for any purpose, it is lawful for the party required or permitted to furnish such bail or bond to deposit, in lieu thereof, in the manner provided in ORS 22.020 to 22.070, money, a certified check or checks on any state or national bank within this country payable to the officer with whom such check is filed, satisfactory municipal bonds negotiable by delivery, or obligations of the United States Government negotiable by delivery, equal in amount to the amount of the bond or bail so required or permitted.

**22.030 Officers with whom deposit is made; duplicate receipts.** (1) Any party desiring to avail himself of the provisions of ORS 22.020 to 22.070 shall, except as provided in subsection (2) of this section, make or cause to be made, with the treasurer of the county or city within which the bond or bail is to be furnished, or, in any case, with the State Treasurer, the deposit authorized by ORS 22.020. The treasurer, upon tender, must accept such money or securities and deliver to the depositor a duplicate receipt reciting the fact of such deposit; provided, that in case a bond or bail is required after the office hours of any such treasurer with whom it is desired to make the deposit, the deposit may be made with the chief clerk of such court, board or commission or with the sheriff of the county or the deputy in charge of the county jail or the sheriff's office, who shall accept the same, giving duplicate receipts therefor, and cause such money or securities to be delivered to the proper treasurer within 48 hours thereafter.

(2) In any criminal case or in any proceeding in any court the deposit may be made with the court or clerk thereof, with the same effect and result as though made with such treasurer, and it shall not be necessary for the money or securities to be delivered to the treasurer.

**22.040 Filing duplicate receipt.** The filing of one of such duplicate receipts with the court, board or commission with which such bond or bail is required or permitted to be filed shall have the same effect as the furnishing of such bond or bail and shall be taken and accepted by the court, board or commission or by the chief clerk in lieu of such bond or bail.

**22.050 Discharge or forfeiture of bond or bail; garnishment.** If the bond or bail is discharged, an order to that effect shall be entered upon the records of the court, board or commission with a statement of the amount to be returned to the person making the deposit. Upon presentation to him of a copy of such order, duly certified by the clerk of the court, board or commission making the same, the treasurer shall pay to the person named therein or to his order the amount specified or shall return the securities, as the case may be. If the bond or bail is forfeited, an order to that effect shall be entered upon the records of the court, board or commission, and upon presentation to him of a copy of such order, certified by the chief clerk of the court, board or commission making the same, the treasurer shall make such disposition of the money or securities as the order shall provide. In case the money or securities are in the hands of the clerk of the court, board or commission at the time the bond or bail is declared discharged or forfeited, the clerk shall make the same disposition of the money or securities as the treasurer would be required to make in similar circumstances. Whenever the order of the court, board or commission requires or contemplates the same, the treasurer or clerk shall indorse to the proper party any certified check deposited with him as security. Money or securities deposited under ORS 22.020 to 22.070 shall not be subject to garnishment.

**22.060 Deposit to be in special fund or depository; interest.** Any money or securities received by any treasurer under the provisions of ORS 22.030 shall be deposited in a special fund or place of deposit subject to the order of the proper court, board or commission. Any interest accumulating upon such fund shall be paid into the general fund or corresponding fund of the state, county or city, according to the nature of

the case or in accordance with the order of the proper court, board or commission; provided, however, that when bonds or other securities are deposited the interest coupons shall not be detached therefrom but shall follow the disposition of the securities.

**22.070 Redemption of money or securities; exchange of securities.** Any party availing himself of the provisions of ORS 22.020 to 22.070 may, at any time before forfeiture of the same, redeem any money or securities so deposited by submitting the bond or bail originally required or permitted, or may exchange such securities for others of equal value if satisfactory to the officer with whom the same have been deposited.