

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended, Be Printed Engrossed and Be Referred to the Committee on Ways and Means
Vote:	8 - 0 - 1
Yeas:	Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
Nays:	0
Exc.:	Barker
Prepared By:	Darian Stanford, Counsel
Meeting Dates:	1/26, 4/27

WHAT THE MEASURE DOES: Expands authority of court to reduce fines for violations. Establishes that a search warrant that authorizes the seizure of items from a corporation may be executed in the manner provided by Oregon Rules of Civil Procedure (ORCP) 7.

ISSUES DISCUSSED:

- Judicial discretion in setting fine amounts for traffic violations
- Amendment is consensus amendment about necessary change to search warrant law that fits within relating clause but does not impact underlying bill

EFFECT OF COMMITTEE AMENDMENT: Establishes that search warrant that authorizes seizure of items from corporation may be executed in manner provided by ORCP 7 (meaning that if no representative of corporation is in county where warrant signed, officer may serve warrant by mailing it to registered agent's address).

BACKGROUND: ORS 153.093 limits a court's ability to reduce the amount of fines for violations. For most violations, a court cannot go below 75 percent of the base fine amount. The statutes prescribe a formula for calculating this base fine amount. The base fine for a Class A violation is \$427. Thus, the lowest fine a court could impose for a Class A violation is \$320.25 (75 percent of \$427).

HB 2303 A provides courts with additional authority to reduce fines for violations. First, it changes 75 to 50 percent (a court could reduce a fine to 50 percent of the base fine amount). It then provides that a court can go below 50 percent of the base fine if the court finds any one of the following: (1) for vehicle equipment violations, the accused has installed or repaired the required equipment; (2) the accused has not been convicted of an offense for the preceding three years; (3) the defendant is indigent; or (4) that the 50 percent base fine amount is "inconsistent with justice."

HB 2303 A also purports to apply to violations committed "before, on or after" the effective date.