

2007 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2303 **STATUS:** Original
SUBJECT: Expands the authority of courts to reduce fines for violations.
GOVERNMENT UNIT AFFECTED: Oregon Judicial Department
PREPARED BY: Tim Walker
REVIEWED BY: Robin LaMonte
DATE: February 19, 2007

	<u>2007-2009</u>	<u>2009-2011</u>
EXPENDITURES: See Comments		

REVENUES:
See Comments

EFFECTIVE DATE: January 1, 2008

GOVERNOR’S BUDGET: This bill is not anticipated by the Governor’s recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: The bill would grant courts greater authority to reduce fines for violations under certain conditions. The bill would also reduce the minimum fine from 75% of the base fine amount to 50% of the base fine amount. A court may further reduce a fine under the following exceptions: a vehicle equipment violation in which the related equipment has been repaired or replaced; the driver has not had a violation within the last three years; a determination that the defendant is indigent; or a determination that a higher fine would be inconsistent with justice. The base fine is the minimum amount the citing officer must enter on the citation when charging a person with a violation-level offense.

This bill has the potential to reduce revenue from lowering the minimum sanction from 75% to 50% for violations. It is difficult to quantify with a high level of certainty the exact revenue impact. In calendar years 2004 and 2005 there were approximately 503,000 violations filed in Circuit Courts for a total of \$67.2 million dollars in sanctions. If the 50% minimum sanction is uniformly applied across all violations, it is reasonable to think that there would be a 33% decrease in revenue from violations. In this case a difference of \$22.4 million over a two year period. For this analysis, it is assumed that all violations would be assessed at the 50% minimum sanction level. No attempt has been made to quantify how many violations would be subject to the indigent or “inconsistent with justice” exceptions allowed by the bill. This analysis is from data available from the Oregon Judicial Information Network and does not attempt to quantify the effects on local jurisdiction, but it is assumed that the effects on local revenues would be similar but the magnitude and would depend upon the size of the jurisdiction and volume of violations filed. This bill would also potentially decrease revenues the state receives from local jurisdictions.