

- Section 34 – Record Search fee.

The measure would give the State Court Administrator warrant authority to establish certain debts (i.e., fines, fees, assessments, and restitution) for collection fees and assessments owed the courts. The Department expects to increase collections through increased use of garnishments. According to the Department, this will generate approximately \$1.7 million a biennium, of which the Department would retain approximately eight percent for its Collections Program with the remaining funds distributed according to statute.

General Fund Reductions

Section 4 and 5 of the measure expands the use of the State Court Facilities Security Account, which is dedicated to improving court facility security and training at, for example, the Supreme Court Building, Department of Justice Building, county court buildings, and municipal courts. This measure diverts these funds for other purposes to include: securing court communications, data, information, and records systems, as well as providing physical security in buildings. The Legislative Fiscal Office is concerned that the measure lacks explicit authority under section 4(2) authorizing the expenditure of funds for securing court communications, data, information, and records systems.

Section 27-28 establishes the payment level for the third and subsequent days of jury service for grand and trial jurors in circuit courts at \$10 a day. Currently the juror per diem is \$10 per day for the first two days and \$25 per day thereafter. This section would reduce the \$25 to \$10 per day for all days of service. The fiscal impact is approximately \$1,200,000 General Fund per biennium. This particular item is included in the Department's 2009-11 30% General Fund reduction plan.

The following provisions would result in an indeterminate amount of General Fund savings:

- Section 9 repeals ORS 3.016, which requires the 6th Judicial District (Umatilla and Morrow Counties) to sit in four designated cities, as caseload requires (Pendleton, Hermiston, Milton-Freewater, and Heppner). This allows the district to consolidate Umatilla County Circuit Court operations, and allows potentially all judicial district operations (except as noted in Section 12) to undertake further administrative consolidation. This would result in administrative savings for the Department.
- Section 12 allows judicial districts that contain more than one county or sit in more than one location to consolidate court administration functions in a single location for filing, copying, and inspecting documents; for receipting funds, for pretrial proceedings and probation violations; and for trials in all but certain criminal proceedings.
- Section 15-21 gives the Department the discretion to set up, continue, and discontinue family court programs and advisory committees, depending on available funding and on constitutional, statutory, and other priorities. Section 21 eliminates the Family Law Account and the requirement for the State Court Administrator to develop training materials and certain hearings on temporary custody of children in abuse-prevention cases. Any remaining funds are assumed to be transferred to the General Fund.
- Sections 22–26 modify, reorganize, and repeal provisions on certified shorthand reporter certification, testing, and fees to give the State Court Administrator flexibility to offer this program, and to set policies and fees.

Cost Avoidance/Cost Shift Actions

The measure contains the following cost avoidance initiatives, which would result in an indeterminate amount of General Fund savings:

- Section 2 Statutory Time Limits - statutory timelines would yield so the court can first meet constitutional timelines at risk;
- Section 6 allows the Chief Justice to set policies on Judicial Conference meetings;

- Section 8 repeals the Justice and Municipal Court Registry;
- Section 38 removes the Department's responsibility for continuing legal education for nonlawyer justices of the peace;
- Section 40 amends ORS 137.547 to delete all but subsection (1) to give the Chief Justice flexibility to work with the courts and stakeholders to develop more workable rules on consolidating probation violations. The current complex statutory requirements discourage consolidation of probation violation proceedings.
- Section 39 removes Department's responsibility for Grand Jury inspection of correctional facilities; and
- Section 40 allows the Chief Justice to consolidate probation violation proceedings.