

House Bill 2813

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes disability advocacy fee on filings in circuit and county courts equal to 14 percent of filing fee provided by law, rounded up to next whole dollar. Provides that amounts collected as fees be paid to organization designated by Governor for purpose of protecting, and advocating for, rights of certain persons with disabilities.

Reduces law library fee in circuit and county courts from 28 percent of filing fee provided by law to 14 percent.

A BILL FOR AN ACT

1
2 Relating to courts; creating new provisions; amending ORS 1.204, 21.350 and 21.615; and providing
3 for revenue raising that requires approval by a three-fifths majority.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) In all circuit and county courts, the clerk of the court shall collect in**
6 **each civil suit, action or proceeding filed in the court a disability advocacy fee that is equal**
7 **to 14 percent of the filing fee provided by law, rounded up to the next whole dollar.**

8 **(2) The fee provided for in this section shall be collected in the same manner as other**
9 **fees are collected in the suit, action or proceeding, and is in addition to the other fees pro-**
10 **vided by law.**

11 **(3) For the purpose of imposing the disability advocacy fee provided for in this section in**
12 **cases that are subject to the filing fees established by ORS 105.130, the percentage figure**
13 **provided for under subsection (1) of this section shall be applied to the sum of the fees es-**
14 **tablished by ORS 105.130 (2) and the surcharge established under ORS 105.130 (6). If the de-**
15 **fendant demands a trial in the action, the percentage figure provided for under subsection**
16 **(1) of this section shall be applied to the additional filing fee required of the plaintiff under**
17 **ORS 105.130 (3), and to the sum of the filing fee required of the defendant under ORS 105.130**
18 **(3) and the surcharge established under ORS 105.130 (6).**

19 **(4) Amounts collected as disability advocacy fees under this section shall be distributed**
20 **to the organization designated by the Governor for the purpose of protecting, and advocating**
21 **for, the rights of individuals as defined by ORS 192.515. Amounts distributed to the organ-**
22 **ization under this subsection may be used by the organization only for the purpose of pro-**
23 **tecting, and advocating for, the rights of individuals as defined by ORS 192.515.**

24 **SECTION 2. ORS 1.204 is amended to read:**

25 1.204. (1) The State Court Administrator may establish a collections and revenue management
26 program within the Judicial Department for the purpose of administering accounts and collections.
27 Subject to policies and procedures prescribed by the State Court Administrator, the collections and
28 revenue management program may collect, by any means authorized by law, all amounts owing to
29 the state that are subject to collection by the state courts or by a commission, department or divi-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 sion in the judicial branch of state government. The State Court Administrator may establish a
 2 separate unit within the program for the collection of parking fines in counties with populations of
 3 more than 500,000.

4 (2) There is established within the General Fund the Judicial Department Collections Account.
 5 The account shall consist of moneys deposited in the account under the provisions of subsection (3)
 6 of this section. All moneys in the account are continuously appropriated to the Judicial Department
 7 and may be used only for the purposes specified in subsection (3) of this section.

8 (3) All moneys collected by the collections and revenue management program established under
 9 this section shall be deposited in the Judicial Department Collections Account. At the end of each
 10 calendar month, the State Court Administrator shall distribute the amounts in the account in the
 11 following order of priority:

12 (a) Except as provided in subsection (4) of this section, the collections and revenue management
 13 program shall be reimbursed for actual costs and expenses of the program, including personnel ex-
 14 penses, incurred in the administration and collection of accounts. The amount of reimbursement may
 15 not exceed the actual costs and expenses incurred by the collections and revenue management pro-
 16 gram. The State Court Administrator may designate a single percentage amount to be retained from
 17 all moneys collected under the program, but must adjust that percentage amount periodically to
 18 reflect actual program costs.

19 (b) All moneys not expended under paragraph (a) of this subsection shall be distributed as oth-
 20 erwise provided by law for the amounts collected.

21 (4) The collections and revenue management program may not be reimbursed under subsection
 22 (3) of this section from any of the following amounts collected under the program, and all such
 23 amounts collected under the program shall be distributed as otherwise provided by law:

- 24 (a) Restitution and compensatory fines paid under judgments in criminal actions;
- 25 (b) Legal aid fees collected under ORS 21.480;
- 26 (c) Law library fees collected under ORS 21.350;
- 27 (d) Dispute resolution surcharges imposed under ORS 36.170;
- 28 (e) **Disability advocacy fees imposed under section 1 of this 2009 Act;** and
- 29 [(e)] (f) Fees imposed under ORS 21.112.

30 **SECTION 3.** ORS 21.350 is amended to read:

31 21.350. (1) In counties containing more than 400,000 inhabitants, according to the latest federal
 32 decennial census, or when directed as provided in ORS 9.840, the clerk of the court shall collect in
 33 each civil suit, action or proceeding filed in the circuit or county court a law library fee determined
 34 by the county court or board of county commissioners in an amount not greater than [28] **14** percent
 35 of the filing fee provided by law, except that the amount shall be rounded up to the next full dollar.

36 (2) The fees provided for in this section shall be collected in the same manner as other fees are
 37 collected in the suit, action or proceeding, and is in addition to the other fees provided by law.

38 (3) The fee provided in subsection (1) of this section may be collected if the county owns and
 39 maintains, or hereafter may acquire, own or maintain under the provisions of ORS 9.840 and 9.850,
 40 a law library at the county seat, available at all reasonable times to the use of litigants, and per-
 41 mitted to be used by all attorneys at law duly admitted to practice in this state, without additional
 42 fees to such litigants or attorneys.

43 (4) For the purpose of imposing the law library fee provided for in this section in cases that are
 44 subject to the filing fees established by ORS 105.130, the percentage figure provided for under sub-
 45 section (1) of this section shall be applied to the sum of the [fee] **fees** established by ORS 105.130

1 (2) and the surcharge established under ORS 105.130 (6). If the defendant demands a trial in the
2 action, the percentage figure provided for under subsection (1) of this section shall be applied to the
3 additional filing fee required of the plaintiff under ORS 105.130 (3), and to the sum of the filing fee
4 required of the defendant under ORS 105.130 (3) and the surcharge established under ORS 105.130
5 (6).

6 **SECTION 4.** ORS 21.615 is amended to read:

7 21.615. (1) In an appeal to a circuit court from a justice court or municipal court in an action
8 for commission of a state violation or an action for violation of a city charter or ordinance, but not
9 in an action for commission of a state crime:

10 (a) The filing, trial, [*and*] law library **and disability advocacy** fees required by ORS 21.110,
11 21.270 and 21.350 **and section 1 of this 2009 Act** are required of the appellant and respondent.

12 (b) The legal aid fee required by ORS 21.480 is required of the appellant.

13 (2) Payment of fees required by subsection (1) of this section is subject to ORS 20.140.

14 (3) Fees required by subsection (1) of this section may be waived or deferred by a judge of the
15 circuit court for the reason and in the manner provided in ORS 21.680 to 21.698.

16 **SECTION 5. Section 1 of this 2009 Act and the amendments to ORS 1.204, 21.350 and**
17 **21.615 by sections 2, 3 and 4 of this 2009 Act apply to all filings in circuit and county courts**
18 **made on or after the effective date of this 2009 Act.**

19