

House Bill 3354

Sponsored by Representative GILLIAM (at the request of City of Mt. Angel)

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**.

Requires that one-half of traffic fine be paid to city if traffic offense committed within city but prosecuted in circuit court as result of felony discovered during traffic stop.

A BILL FOR AN ACT

1
2 Relating to traffic offenses; amending ORS 153.630.

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

4 **SECTION 1.** ORS 153.630 is amended to read:

5 153.630. (1) Costs and one-half of all fines collected in traffic offense cases by any court having
6 jurisdiction of the traffic offense shall be paid as follows:

7 (a) If collected in a circuit court, **except as provided in subsection (7) of this section**, to be
8 credited and distributed under ORS 137.293 and 137.295, as a monetary obligation payable to the
9 state.

10 (b) If collected in a justice court, to be credited and distributed under ORS 137.293 and 137.295
11 to the treasurer of the county in which the offense occurred, as a monetary obligation payable to
12 the county.

13 (c) If collected in a municipal court, to be credited and distributed under ORS 137.293 and
14 137.295 to the city treasurer, as a monetary obligation payable to the city.

15 (2) The other half of such fines shall be paid as follows:

16 (a) If resulting from prosecutions initiated by or from arrests or complaints made by a member
17 of the Oregon State Police, to be credited and distributed under ORS 137.293 and 137.295, as a
18 monetary obligation payable to the state.

19 (b) If resulting from prosecutions initiated by or from arrests or complaints made by a motor
20 carrier enforcement officer, to be credited and distributed under ORS 137.293 and 137.295, as a
21 monetary obligation payable to the state.

22 (c) If resulting from prosecutions initiated by or from arrests or complaints made by a city police
23 officer, including a city marshal or a member of the police of a city or municipal or quasi-municipal
24 corporation, to be credited and distributed under ORS 137.293 and 137.295:

25 (A) To the treasurer of the city or municipal or quasi-municipal corporation by which such po-
26 lice officer is employed, as a monetary obligation to that political subdivision of the state if the of-
27 fense occurred within the boundaries of the city or municipal or quasi-municipal corporation; or

28 (B) As a monetary obligation payable to the state if the offense occurred outside the boundaries
29 of the city or municipal or quasi-municipal corporation.

30 (d) If resulting from prosecutions initiated by or from arrests or complaints made by a sheriff,
31 deputy sheriff or county weighmaster, to be credited and distributed under ORS 137.293 and 137.295

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 to the treasurer of the county in which the offense occurred, as a monetary obligation payable to
 2 that county and to be credited to the general fund of that county.

3 (e) If resulting from prosecutions for parking in a winter recreation parking location, to be
 4 credited and distributed under ORS 137.293 and 137.295, as a monetary obligation payable to the
 5 state.

6 (f) In other cases, to be credited and distributed under ORS 137.293 and 137.295, as a monetary
 7 obligation to the same entity to which payment is made of the half provided for in subsection (1)
 8 of this section.

9 (3) If provisions of subsection (2)(b) or (e) of this section are applicable, and if the fine or penalty
 10 imposed is remitted, suspended or stayed, or the offender against whom the fine or penalty was
 11 levied or imposed serves time in jail in lieu of paying the fine or penalty or a part thereof, the
 12 committing judge or magistrate shall certify the facts thereof in writing to the State Court Admin-
 13 istrator in the case of a circuit court or the Department of Revenue in the case of a justice or
 14 municipal court not later than the 10th day of the month next following the month in which the fine
 15 was remitted or penalty suspended. If any part of the fine is thereafter paid, it shall be remitted to
 16 the judge or magistrate who imposed the fine or penalty, who shall distribute it as provided in
 17 subsections (1) and (2) of this section.

18 (4) If a fine is subject to division between two entities under this section and a sentence to pay
 19 a fine is imposed by the court, any remittance, suspension or stay of the fine portion of the sentence
 20 must be attributed on an equal basis to both of the entities entitled to a share of the fine.

21 (5) Distribution of fines and costs collected in a justice or municipal court under this section
 22 must be made not later than the last day of the month immediately following the month in which
 23 the fines and costs are collected.

24 (6) All fines collected as a result of citations issued by a member of the Oregon State Police for
 25 a violation of ORS 813.095 and credited and distributed to the state under subsections (1)(a) and
 26 (2)(a) of this section shall be deposited in the State Police Account established in ORS 181.175 to
 27 be used by the Department of State Police for the enforcement of laws concerning driving while
 28 under the influence of intoxicants.

29 **(7) The fines collected in traffic offense cases by a circuit court under subsection (1)(a)**
 30 **of this section shall be credited and distributed under ORS 137.293 and 137.295 to the city**
 31 **treasurer, as a monetary obligation payable to the city if:**

- 32 **(a) The traffic offense occurred within the boundaries of the city;**
- 33 **(b) The defendant is charged with a felony discovered during the traffic stop; and**
- 34 **(c) The defendant is convicted of the traffic offense in circuit court.**