

# Senate Bill 758

Sponsored by Senator MORSE

## 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**.

Provides that governing body of county may enter into agreement with Chief Justice and with presiding judge for judicial district for creation of Local Court Facility Capital Improvement Account and imposition in circuit court of court facilities surcharges and court facilities assessment. Provides that governing body of county may enter into agreement with Chief Justice for imposition in justice court of court facilities assessment.

Specifies amounts of court facilities surcharge and court facilities assessment. Provides that one-half of amounts collected in circuit courts be deposited in Local Court Facility Capital Improvement Account, and be used only for capital improvements to circuit court facilities in county. Provides that one-half of amounts collected in justice courts be deposited in Local Court Facility Capital Improvement Account, and be used only for capital improvements to justice court facilities in county. Provides that one-half of amounts collected as surcharges and assessments in circuit and justice courts be deposited in State Court Facility Capital Improvement Account, and be used only for capital improvements to circuit court facilities as directed by Chief Justice.

Terminates surcharges and assessments December 31, 2025.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to court facilities; appropriating money; and declaring an emergency.

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

4 **SECTION 1. Agreement for imposition of court facilities surcharge and assessment in**  
5 **circuit courts.** The governing body of a county may enter into an agreement with the Chief  
6 **Justice of the Supreme Court, and with the presiding judge for the judicial district in which**  
7 **the county is located, for the creation of a Local Court Facility Capital Improvement Ac-**  
8 **count and the imposition in the circuit court for the county of the court facilities surcharge**  
9 **provided for in section 5 of this 2009 Act and of the court facilities assessment provided for**  
10 **in section 6 of this 2009 Act.**

11 **SECTION 2. Agreement for imposition of court facilities assessment in justice courts.**  
12 **The governing body of a county may enter into an agreement with the Chief Justice of the**  
13 **Supreme Court for the creation of a Local Court Facility Capital Improvement Account and**  
14 **the imposition in the justice courts of the county of the court facilities assessment provided**  
15 **for in section 7 of this 2009 Act.**

16 **SECTION 3. Local Court Facility Capital Improvement Account.** If the governing body  
17 **of a county enters into an agreement under section 1 or 2 of this 2009 Act, the county**  
18 **treasurer of the county shall establish a Local Court Facility Capital Improvement Account.**  
19 **The account shall consist of moneys deposited in the account under section 5, 6 and 7 of this**  
20 **2009 Act. Moneys in the account that are deposited under sections 5 and 6 of this 2009 Act**  
21 **may be used only for the purpose of capital improvements to court facilities in the county**  
22 **that are used by circuit courts. Moneys in the account that are deposited under section 7**  
23 **of this 2009 Act may be used only for the purpose of capital improvements to court facilities**  
24 **in the county that are used by justice courts.**

**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       **SECTION 4. State Court Facility Capital Improvement Account.** (1) The State Court  
2 Facility Capital Improvement Account is established in the State Treasury, separate and  
3 distinct from the General Fund. Interest earned by the account shall be credited to the ac-  
4 count. The account shall consist of moneys deposited in the account under sections 5, 6 and  
5 7 of this 2009 Act and such other moneys as may be appropriated to the account by law.  
6 Moneys in the account are continuously appropriated to the Oregon Department of Admin-  
7 istrative Services, and may be used only for the purpose of capital improvements to circuit  
8 court facilities.

9       (2) The Chief Justice of the Supreme Court shall determine the amounts to be allocated  
10 to individual circuit court facilities under this section. The department shall distribute funds  
11 pursuant to the directions of the Chief Justice.

12       **SECTION 5. Court facilities surcharge in circuit courts.** (1) If the governing body of a  
13 county enters into an agreement under section 1 of this 2009 Act, the clerk of the court for  
14 the circuit court in that county shall collect the court facilities surcharge provided for in  
15 this section.

16       (2) The court facilities surcharge imposed under this section shall be in the amount of  
17 \$5, and shall be collected by the clerk of the court whenever a filing fee is collected under  
18 ORS 21.110. Surcharges imposed under this section are in addition to all other fees provided  
19 for by law.

20       (3) Of the amounts collected as court facilities surcharges under this section, the clerk  
21 of the court shall deposit:

22       (a) Fifty percent in the Local Court Facility Capital Improvement Account established  
23 under section 3 of this 2009 Act; and

24       (b) Fifty percent in the State Court Facility Capital Improvement Account established  
25 under section 4 of this 2009 Act.

26       (4) Court facilities surcharges may not be collected under this section after December  
27 31, 2025.

28       **SECTION 6. Court facilities assessment on violation judgments in circuit courts.** (1) If  
29 the governing body of a county enters into an agreement under section 1 of this 2009 Act,  
30 whenever the circuit court for the county enters a judgment of conviction for a violation, a  
31 court facilities assessment in the amount of \$5 shall be collected by the court. The assess-  
32 ment is not part of the penalty, and is in addition to any fines, fees and assessments imposed  
33 under the judgment.

34       (2) The circuit court may waive a court facilities assessment under this section if the  
35 court finds that the defendant is indigent.

36       (3) A payment to a court shall not be credited to the court facilities assessment provided  
37 for in this section until all other fines, fees and assessments under the judgment have been  
38 paid.

39       (4) Of the amounts collected as court facilities assessments under this section, the clerk  
40 of the court shall deposit:

41       (a) Fifty percent in the Local Court Facility Capital Improvement Account established  
42 under section 3 of this 2009 Act; and

43       (b) Fifty percent in the State Court Facility Capital Improvement Account established  
44 under section 4 of this 2009 Act.

45       (5) Court facility assessments may not be imposed under this section after December 31,

1 2025.

2 **SECTION 7. Court facilities assessment on violation judgments in justice courts.** (1) If  
3 the governing body of a county enters into an agreement under section 2 of this 2009 Act,  
4 whenever a justice court in the county enters a judgment of conviction for a violation, a  
5 court facilities assessment in the amount of \$5 shall be collected by the court. The assess-  
6 ment is not part of the penalty, and is in addition to any fines, fees and assessments imposed  
7 under the judgment.

8 (2) A justice court may waive a court facilities assessment under this section if the court  
9 finds that the defendant is indigent.

10 (3) A payment to a court shall not be credited to the court facilities assessment provided  
11 for in this section until all other fines, fees and assessments under the judgment have been  
12 paid.

13 (4) Of the amounts collected as court facilities assessments under this section, the clerk  
14 of the court shall deposit:

15 (a) Fifty percent in the Local Court Facility Capital Improvement Account established  
16 under section 3 of this 2009 Act; and

17 (b) Fifty percent in the State Court Facility Capital Improvement Account established  
18 under section 4 of this 2009 Act.

19 (5) Court facility assessments may not be imposed under this section after December 31,  
20 2025.

21 **SECTION 8.** The section captions used in this 2009 Act are provided only for the con-  
22 venience of the reader and do not become part of the statutory law of this state or express  
23 any legislative intent in the enactment of this 2009 Act.

24 **SECTION 9.** This 2009 Act being necessary for the immediate preservation of the public  
25 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect  
26 on its passage.