

**76th OREGON LEGISLATIVE ASSEMBLY – 2011 Regular Session
BUDGET REPORT AND MEASURE SUMMARY**

JOINT COMMITTEE ON WAYS AND MEANS

MEASURE: HB 2712-C

Carrier – House: Rep. G. Smith

Carrier – Senate: Sen. Nelson

Action: Do Pass the B-Engrossed Measure with Amendments to Resolve Conflicts and be Printed C-Engrossed

Vote: 22 – 2 – 1

House – Yeas: Beyer, Buckley, Cowan, Garrard, Komp, Kotek, McLane, Nathanson, Nolan, Richardson, G. Smith, Whisnant

– Nays: Freeman, Thatcher

– Exc:

Senate – Yeas: Bates, Devlin, Edwards, Girod, Johnson, Monroe, Nelson, Thomsen, Whitsett, Winters

– Nays:

– Exc: Verger

Prepared By: John Borden, Legislative Fiscal Office

Reviewed By: Robin LaMonte and Doug Wilson Legislative Fiscal Office

Meeting Date: June 29, 2011

Agency

Various Agencies

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Biennium

2011-13

Summary of Revenue Changes

House Bill 2712 updates and simplifies the current statutory revenue and distribution structure related to criminal fines, assessments, and other financial penalties imposed on conviction for felonies, misdemeanors, and violations other than parking infractions. All of the fine amounts are permanent and become effective January 1, 2012. The measure increases judicial discretion on the amount of fine to impose to 50 percent and reduces the violation fines imposed below current law. Judicial discretion in school, construction, and safety corridor zones is increased to 75 percent of the presumptive fine.

The measure temporarily extends for six months the criminal surcharges from House Bill 2287 (2009) for the period July 1, 2011 to January 1, 2012.

The revenue impact estimates include House Bill 2287 (2009) offense surcharges imposed on convictions before June, but received after that date.

The measure also accounts for a July 2011 Department of Revenue distribution from the Judicial System Surcharge Account for revenues received in June 2011.

Local justice, county, and municipal courts will remit \$60 to the state for its portion of the fine amount in lieu of the old Unitary Assessment and county assessment. The current practice of remitting one half of the fine amount, if the violation was cited by a State Police Officer, is retained. Local courts will also remit the local court security assessment and the State Court Facilities Security Account assessment.

Revenue generated in future biennia is expected to decline as the criminal violation surcharges sunset and judicial discretion is exercised.

The revenue generated by all criminal fines and assessments is to be deposited into the Criminal Fines Account, which was formerly entitled the Criminal Fine and Assessment Account.

Summary of Subcommittee Action

House Bill 2712 updates and simplifies the current statutory revenue and distribution structure related to criminal fines, assessments, and other financial penalties imposed on conviction for felonies, misdemeanors, and violations other than parking infractions. The measure does not make any change to current law misdemeanor or felony structure. The introduced version of the measure was the product of the Joint Interim Committee on State Justice System Revenues.

The major provisions of the measure are:

- Establishes a presumptive fine thereby eliminating the need for calculation of a foundation amount, base fine amount, and the minimum fine amount;
- Establishes the presumptive fine by statute, applies this fine statewide, and eliminates variability in fine amounts based on the court into which a person is cited;
- Eliminates the unitary assessment and the county assessment by consolidating them into the presumptive fine;
- Provides for judicial discretion to reduce the presumptive fine by up to 50 percent;
- Increases the judicial discretion in school, construction, and safety corridor zones fine to 75 percent of the presumptive fine; and
- Adds \$3 to the uniform presumptive fine amounts for state court facilities and security.

The following table compares the current law violation amounts with those in the measure:

Violation	Presumptive Fine	
	Current Law	HB 2712
Class A Violation	\$472	\$435
Class B Violation	\$287	\$260
Class C Violation	\$190	\$160
Class D Violation	\$142	\$110

This bill does not affect the distribution of fine revenue, which remains the same as current law. The measure eliminates the Unitary Assessment and the county assessment and replaces it with a flat fine amount, a portion of which is to be remitted to the state in lieu of the Unitary Assessment and the county assessment.

Allocations from the Criminal Fines Account

Existing entities that receive funds from the Criminal Fines Account are not affected by this bill and will receive a full biennial (24 month) allocation from the Account. The following table displays, by agency and program, the revenues allocated by the Subcommittee from the Criminal Fine Account for a 24 month period:

#	Eligible Entity	ORS	Purpose	Agency/Entity	24-Month Allocation*
1	Department of Public Safety Standards and Training		Criminal justice training and standards operations	Department of Public Safety Standards and Training	\$21,424,867
2	Department of Human Services	409.292(1)(a) to (c)	Domestic Violence Fund	Department of Human Services	\$2,224,675
3	Department of Human Services		Sexual Assault Victims Fund	Department of Human Services	\$533,332
4	Oregon Health Authority	431.623	Emergency Medical Services and Trauma Systems Program	Oregon Health Authority	\$331,824
5	Department of Justice		Criminal Injuries Compensation Account	Department of Justice	\$7,099,827
6	Department of Justice	147.390	Services to Children – Child Abuse Medical Assessments	Department of Justice	\$631,551
	Department of Justice		Child Abuse Multidisciplinary Intervention Account	Department of Justice	\$7,812,599
7	Department of Justice	418.746 to 418.796	Statewide system of regional assessment centers	Department of Justice	\$746,798

The following entities will receive revenue distributions for the first six months of the 2011-13 biennium under the current law. Thereafter, they will receive an 18 month allocation from the Criminal Fines Account. The following table displays, by agency and program, the revenues allocated by the Subcommittee from the Criminal Fine Account for an 18 month period:

#	Eligible Entity	ORS	Purpose	Agency/Entity	18-Month Allocation*
8	State Court Facilities and Security Account	137.309 1.178	State court facilities and security	Oregon Judicial Department	\$2,862,376
9	State Court Facilities and Security Account	1.178	State court facilities	Oregon Judicial Department	\$2,278,919
10	Court Security Program	137.308 1.182	State and local court security account	Oregon Judicial Department	\$4,701,919
11	Alcohol and Drug Abuse Prevention [includes: Methamphetamine Assessment]	430.345 137.308	813.270; 813.830; 813.840 137.290(2)(B)(b), (c), & (d)	Oregon Health Authority – Diversion program for indigent.	\$42,884
12	Law Enforcement Medical Liability Account	414.815 137.309	Medical treatment for prisoners	Department of Human Services	\$506,244
13	Driving Under the Influence Enforcement	813.095; 153.630	Enforcement of laws concerning driving while under the influence of intoxicants.	Department of State Police	\$190,004
14	Community Corrections	137.309	Jail construction and maintenance	Department of Corrections	\$3,223,179
15	Arrest and Return for Extradition	133.865	Governor’s expenses relating to extradition	Governor’s Office	\$22,500
16	Intoxicated Driver Program	813.270 813.240	Treatment for persons in DUII diversion	Oregon Health Authority	\$4,323,000

* New Criminal Fines Account entities will receive revenue distributions under current law for the first six-months of the 2011-13 biennium and then a Criminal Fines Account allocation for 18 months of the 2011-13 biennium under HB 2712.

Except for the Department of Corrections, the agencies above have sufficient expenditure limitation in their primary budget appropriation bills to expend these revenue allocations. The Department of Corrections may request limitation at a meeting of the Emergency Board or during the 2012 Legislative session.

The Committee approved the following budget note related to revenue generated from \$3 being added to every civil filing fee and criminal fine. The revenue will be allocated from the Criminal Fines Account to the Judicial Department's State Court Facility and Security Account during the 2012 Legislative session.

Budget Note

Legislative leadership will appoint an advisory committee on State Court Facilities. The Advisory Committee will recommend the priorities for the expenditure of funds from the State Court Facility and Security Account for capital improvements to county courthouses.

The Advisory Committee on Court Facilities will consist of two members appointed by the Senate President and two members appointed by the Speaker of the House, two ex-officio members appointed by the Chief Justice of the Oregon Supreme Court and one ex-officio member appointed by the Association of Oregon Counties.

In developing its priorities, the Advisory Committee will consider the recommendations in the "State of Oregon, Oregon Court Facilities Assessment" report issued in September 2008, and other facilities issues reported by the Association of Oregon Counties and the Oregon Judicial Department.

The Advisory Committee also will develop a report that includes a recommendation regarding the funding of 2011-13 biennium State Court facility projects and any matching funds provided by local government. The Committee will submit its recommendations to the Chief Justice and to the 2012 Legislature.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

HB 2712-C

Various
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DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
<u>SUBCOMMITTEE ADJUSTMENTS (from GRB)</u>									
<u>Department of Corrections - Community Corrections</u>									
Community Corrections									
Special Payments - to Counties	\$ 0	\$ 0	\$ 3,223,179	\$ 0	\$ 0	\$ 0	\$ 3,223,179	0	0.00
TOTAL ADJUSTMENTS	\$ 0	\$ 0	\$ 3,223,179	\$ 0	\$ 0	\$ 0	\$ 3,223,179	0	0.00
SUBCOMMITTEE RECOMMENDATION *	\$ 0	\$ 0	\$ 3,223,179	\$ 0	\$ 0	\$ 0	\$ 3,223,179	0	0.00

*Excludes Capital Construction Expenditures