

## FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3040

Seventy-Sixth Oregon Legislative Assembly – 2011 Regular Session  
Legislative Fiscal Office

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### Measure Description:

Expands authority of court and violations bureau to reduce fines for violations.

### Government Unit(s) Affected:

Judicial Department, Department of Justice, Cities, Counties

### Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**Analysis:** This measure would increase Circuit, Justice, and Municipal court discretion to lower actual fine amounts on violations by up to 50% or more depending upon criteria establish in the measure (e.g., defendant indigency or “inconsistency with justice”).

The Oregon Judicial Department (OJD) conservatively estimates that if 25% of violations receive 1/3<sup>rd</sup> reduction in the fine amount the result would be a \$3.6 million decline in revenue for the 2011-13 biennium and \$4.9 million for the 2013-15 biennium. Criminal fines and assessments, including violation revenue, is part of a direct allocation of revenue to the Criminal Fines and Assessment Account, including the state General Fund, the Law Enforcement Medical Liability Account, the State Court Facilities Security Account, Corrections and Drug and Alcohol programs, court facilities security, and OJD's revenue management/collections program.

Local Justice and Municipal courts could also experience a similar decline in violation revenue depending on the level of discretion exercised by local judges.

The measure's expenditure impact on Circuit, Justice, and Municipal courts is indeterminate. These courts may have expenses related to establishing a program to determine a defendant's indigency.

The Legislative Fiscal Office believes this measure warrants a subsequent referral to the Joint Committee on Ways and Means Committee for consideration of this measure's budgetary impact on the State's budget.

