

**REVENUE:** Revenue statement issued

**FISCAL:** Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
<b>Vote:</b>	10 - 0 - 0
<b>Yeas:</b>	Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Cheyenne Ross, Counsel
<b>Meeting Dates:</b>	2/22, 4/20

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**WHAT THE MEASURE DOES:** Modifies presumptive fines for violations. Establishes same as minimums and prohibits downward deviation. Modifies maximum fines for violations by individuals and corporations. Provides for notice of presumptive/minimum fines on face of citation. Modifies minimum fines for crimes. Permits courts to waive in whole or part. Sets minimum fines for specific methamphetamine crimes. Sets range of fines, if ordered, for reduced crimes. Requires assessment of minimum fine for crime upon sentence of discharge. Modifies structure for disposition of fines collected for traffic offenses by circuit courts, justice courts, and municipal courts. Replaces Criminal Fine and Assessment Account with Criminal Fine Account (CFA). Creates two subaccounts within the CFA, a Public Safety subaccount for 70 percent of the total collected, and a Miscellaneous Distributions subaccount for the remaining 30 percent. Directs distributions from the Public Safety subaccount to the following entities for specific purposes: Department of Public Safety Standards and Training, Department of Human Services, Oregon Health Authority, and Department of Justice. Directs distributions from the Miscellaneous Distributions subaccount to Law Enforcement Medical Liability Account, State Court Facilities Security Account, State Court Administrator for Court Security Program distributions, Department of Corrections for community corrections grants, Oregon Health Authority for specific grants, Oregon State Police for DUII enforcement, Arrest and Return Account, and Intoxicated Driver Program Fund. Lowers fines for traffic tickets. Directs distribution to each county the equivalent of \$5.00 per criminal action in that county for court facilities. Prohibits allocation for debt service obligations. Expresses legislative intent to make allocations consistent with historical funding. Directs any excess into General Fund. Requires Department of Revenue to establish processes by rule for distributions from CFA and for proportionate reductions if CFA funds inadequate. Modifies payment to Public Defense Services Account in General Fund. Requires defendant to pay such account upon appointment of counsel at beginning of case. Requires defendant to pay balance into CFA upon conclusion of case. Conforms language in statutes listed to correctly reference presumptive fines and distribution structures, and to create consistent use of terms. Takes effect January 1, 2012.

**ISSUES DISCUSSED:**

- History of measure
- Priority of distributions
- Court discretion

**EFFECT OF COMMITTEE AMENDMENT:** Creates two subaccounts within the Criminal Fines Account: a Public Safety subaccount for 70 percent of the total collected, and a Miscellaneous Distributions subaccount for the remaining 30 percent. Restores prioritization language. Directs distributions from the Public Safety subaccount to the following entities for specific purposes: Department of Public Safety Standards and Training, Department of Human Services, Oregon Health Authority, and Department of Justice. Directs distributions from the Miscellaneous Distributions subaccount to Law Enforcement Medical Liability Account, State Court Facilities Security Account, State Court Administrator for Court Security Program distributions, Department of Corrections for community corrections grants, Oregon Health Authority for specific grants, Oregon State Police for DUII enforcement, Arrest and Return Account, and Intoxicated Driver Program Fund. Restores court discretion. Lowers fines for traffic tickets.

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*This summary has not been adopted or officially endorsed by action of the committee.*

Directs distribution to each county the equivalent of \$5.00 per criminal action in that county for court facilities. Makes technical and corrective changes. Establishes effective date of January 1, 2012.

**BACKGROUND:** House Bill 2712 A is one of three measures resulting from the efforts of the Joint Interim Committee on State Justice System Revenues (the Committee), which was established by House Bill 2287 (2009) and which met almost monthly between October 2009 and January 2011. HB 2712 A and its companion measures are intended to replace HB 2287, which sunsets June 30, 2011, in order to continue adequately funding Oregon's courts.

The Committee was charged with studying the Oregon Judicial Department's fee collection and revenue distribution structure; identifying best practices with regard to same; and making recommendations to simplify it. The Committee was guided by a number of principles including a desire to preserve access and proportionality, to improve efficiency and cost savings, and to achieve a stable, predictable, and transparent flow of money that can be accounted for and easily understood by the public. All the materials collected and produced by the Interim Committee over the course of its progress are available at <http://www.leg.state.or.us/comm/lfo/home.htm>.

House Bill 2712 A establishes a more uniform structure for application of payments received from defendants in traffic and criminal cases and creates a Criminal Fines Account to centralize funds from which allocations are made for specific purposes.