

**SENATE AMENDMENTS TO
B-ENGROSSED HOUSE BILL 2712
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By JOINT COMMITTEE ON WAYS AND MEANS

June 29

1 On page 1 of the printed B-engrossed bill, line 2, after “25.990,” insert “31.735,”.

2 In line 20, delete “675.337,”.

3 In line 26, after “825.990” insert “, 830.990”.

4 In line 27, delete “and” and after “2010” insert “, section 3, chapter 423, Oregon Laws 2011
5 (Enrolled Senate Bill 415), section 5, chapter 517, Oregon Laws 2011 (Enrolled Senate Bill 924),
6 section 3, chapter ___, Oregon Laws 2011 (Enrolled House Bill 2104), section 19, chapter ___, Oregon
7 Laws 2011 (Enrolled House Bill 2256), section 5, chapter ___, Oregon Laws 2011 (Enrolled House
8 Bill 3075), and section 2, chapter ___, Oregon Laws 2011 (Enrolled House Bill 3525)”.

9 On page 2, line 3, after “2009” insert “, section 10, chapter 355, Oregon Laws 2011 (Enrolled
10 House Bill 2137), section 2, chapter 423, Oregon Laws 2011 (Enrolled Senate Bill 415), sections 1 and
11 4, chapter ___, Oregon Laws 2011 (Enrolled House Bill 2104), section 15, chapter ___, Oregon Laws
12 2011 (Enrolled House Bill 2256), and section 3, chapter ___, Oregon Laws 2011 (Enrolled House Bill
13 3075)”.

14 Delete lines 34 through 36.

15 In line 39, delete “2 or 3” and insert “2 (1) or 3 (1)”.

16 On page 25, line 10, delete “\$468,691” and insert “\$699,000”.

17 In line 13, delete “\$7,564,295” and insert “\$9,843,214”.

18 On page 27, delete lines 37 through 45.

19 On page 28, delete lines 1 through 31 and insert:

20 “**NOTE:** Section 63 was deleted by amendment. Subsequent sections were not renumbered.”.

21 On page 31, line 13, delete “63 to 66” and insert “64 to 66, 315 and 316”.

22 On page 42, delete lines 26 through 31 and insert:

23 “(5) Notwithstanding subsections (1) to (3) of this section, if a person drives 100 miles per hour
24 or greater when the person commits a violation described in this section, the person commits a
25 specific fine traffic violation. The presumptive fine for a violation under this subsection is \$1,150,
26 and upon conviction the court shall order a suspension of driving privileges for not less than 30 days
27 nor more than 90 days.”.

28 On page 110, delete lines 43 through 45.

29 On page 111, delete lines 1 through 12 and insert:

30 “**NOTE:** Section 277 was deleted by amendment. Subsequent sections were not renumbered.”.

31 On page 124, after line 26, insert:

32

33

“CONFLICT AMENDMENTS

34

1 “**SECTION 311.** If House Bill 3525 becomes law, ORS 31.735, as amended by section 1, chapter
2 ___, Oregon Laws 2011 (Enrolled House Bill 3525), is amended to read:

3 “31.735. (1) Upon the entry of a verdict including an award of punitive damages, the Department
4 of Justice becomes a judgment creditor as to the amounts payable under paragraphs (b) and (c) of
5 this section, and the punitive damage portion of an award shall be allocated as follows:

6 “(a) Thirty percent is payable to the prevailing party. The attorney for the prevailing party shall
7 be paid out of the amount allocated under this paragraph, in the amount agreed upon between the
8 attorney and the prevailing party. However, in no event may more than 20 percent of the amount
9 awarded as punitive damages be paid to the attorney for the prevailing party.

10 “(b) Sixty percent is payable to the Attorney General for deposit in the Criminal Injuries Com-
11 pensation Account of the Department of Justice Crime Victims’ Assistance Section, and may be used
12 only for the purposes set forth in ORS chapter 147. However, if the prevailing party is a public
13 entity, the amount otherwise payable to the Criminal Injuries Compensation Account shall be paid
14 to the general fund of the public entity.

15 “(c) Ten percent is payable to the Attorney General for deposit in the [*Courthouse Capital Im-*
16 *provement Trust Fund*] **State Court Facilities and Security Account established under ORS**
17 **1.178**, and may be used only for the purposes specified in [*section 2 of this 2011 Act*] **ORS 1.178**
18 **(2)(d).**

19 “(2) The party preparing the proposed judgment shall assure that the judgment identifies the
20 judgment creditors specified in subsection (1) of this section.

21 “(3) Upon the entry of a verdict including an award of punitive damages, the prevailing party
22 shall provide notice of the verdict to the Department of Justice. In addition, upon entry of a judg-
23 ment based on a verdict that includes an award of punitive damages, the prevailing party shall
24 provide notice of the judgment to the Department of Justice. The notices required under this sub-
25 section must be in writing and must be delivered to the Department of Justice Crime Victims’ As-
26 sistance Section in Salem, Oregon within five days after the entry of the verdict or judgment.

27 “(4) Whenever a judgment includes both compensatory and punitive damages, any payment on
28 the judgment by or on behalf of any defendant, whether voluntary or by execution or otherwise,
29 shall be applied first to compensatory damages, costs and court-awarded attorney fees awarded
30 against that defendant and then to punitive damages awarded against that defendant unless all af-
31 fected parties, including the Department of Justice, expressly agree otherwise, or unless that appli-
32 cation is contrary to the express terms of the judgment.

33 “(5) Whenever any judgment creditor of a judgment which includes punitive damages governed
34 by this section receives any payment on the judgment by or on behalf of any defendant, the judgment
35 creditor receiving the payment shall notify the attorney for the other judgment creditors and all
36 sums collected shall be applied as required by subsections (1) and (4) of this section, unless all af-
37 fected parties, including the Department of Justice, expressly agree otherwise, or unless that appli-
38 cation is contrary to the express terms of the judgment.

39 “**SECTION 312.** If House Bill 3525 becomes law, section 2, chapter ___, Oregon Laws 2011
40 (Enrolled House Bill 3525), is amended to read:

41 “**Sec. 2.** [(1) *The Courthouse Capital Improvement Trust Fund is established separate and distinct*
42 *from the General Fund. The Courthouse Capital Improvement Trust Fund consists of moneys deposited*
43 *to the credit of the fund under ORS 31.735. Interest earned by the fund shall be credited to the fund.*
44 *Moneys in the fund are continuously appropriated to the Oregon Department of Administrative Ser-*
45 *vices, and may be used only for the purpose of paying for the costs of capital improvements to county*

1 courthouses under the plan developed by the Chief Justice of the Supreme Court under subsection (2)
2 of this section.]

3 “[(2)] (1) The Chief Justice of the Supreme Court shall develop a **biennial** plan for capital im-
4 provements to county courthouses. The plan shall prioritize the need for capital improvements in the
5 counties and establish budgets for capital improvement projects. [*The Chief Justice may revise the*
6 *plan at any time. Amounts deposited in the Courthouse Capital Improvement Trust Fund may be ex-*
7 *pended only pursuant to the provisions of the plan.*] **The list of projects and costs of those projects**
8 **shall be submitted to the Legislative Assembly with the Judicial Department’s request for**
9 **an allocation from the Criminal Fine Account for the purpose of funding the State Court**
10 **Facilities and Security Account established under ORS 1.178.**

11 “(2) The Chief Justice of the Supreme Court shall prepare a biennial report to the Leg-
12 islative Assembly that reflects the original budget of projects funded in whole or part with
13 amounts from the State Court Facilities and Security Account, any revisions to those budg-
14 ets, and the amounts from the account actually expended on those projects.

15 “**SECTION 313. If Senate Bill 415 becomes law, section 2, chapter 423, Oregon Laws 2011**
16 **(Enrolled Senate Bill 415) (amending ORS 153.061), is repealed and ORS 153.061, as amended**
17 **by section 25 of this 2011 Act, is amended to read:**

18 “153.061. (1) Except as provided in subsections (2) and (3) of this section, a defendant who has
19 been issued a violation citation must either:

20 “(a) Make a first appearance by personally appearing in court at the time indicated in the
21 summons; or

22 “(b) Make a first appearance in the manner provided in subsection (4) of this section before the
23 time indicated in the summons.

24 “(2) If a defendant is issued a violation citation for careless driving under ORS 811.135 on which
25 a police officer noted that the offense contributed to an accident and that [*a vulnerable user of a*
26 *public way suffered serious physical injury or death by reason of the offense*] **the cited offense ap-**
27 **pears to have contributed to the serious physical injury or death of a vulnerable user of a**
28 **public way**, the officer may not enter the amount of the presumptive fine on the summons and the
29 defendant must make a first appearance by personally appearing in court at the time indicated in
30 the summons.

31 “(3) If a corporation is issued a violation citation, the police officer may not enter the amount
32 of the presumptive fine on the summons and the defendant must make a first appearance by ap-
33 pearing in court at the time indicated in the summons.

34 “(4) Except as provided in this section, a defendant who has been issued a violation citation
35 may make a first appearance in the matter before the time indicated in the summons by one of the
36 following means:

37 “(a) The defendant may submit to the court a written or oral request for a trial.

38 “(b) The defendant may enter a plea of no contest by delivering to the court the summons and
39 a check or money order in the amount of the presumptive fine set forth in the summons. The entry
40 of a plea under the provisions of this paragraph constitutes a waiver of trial and consent to the
41 entry of a judgment forfeiting the presumptive fine. A no contest plea under this section is not
42 subject to the requirements of ORS chapter 135 relating to the entry of pleas and, upon receipt of
43 the plea, the court may enter judgment against the defendant without taking further evidence.

44 “(5) The court may require that a defendant requesting a trial under subsection (4) of this sec-
45 tion deposit an amount equal to the presumptive fine established under sections 2 and 3 of this 2011

1 Act or such other amount as the court determines appropriate if the defendant has failed to appear
2 in any court on one or more other charges in the past. If the defendant does not deposit the amount
3 specified by the court, the defendant must personally appear in court at the time indicated in the
4 summons. The amount deposited by the defendant may be applied against any fine imposed by the
5 court, and any amount not so applied shall be refunded to the defendant at the conclusion of the
6 proceedings.

7 “(6) The court may require a defendant to appear personally in any case, or may require that
8 all defendants appear in specified categories of cases.

9 “(7) If a defendant has entered a no contest plea in the manner provided in subsection (4) of this
10 section, and the court determines that the presumptive fine is not adequate by reason of previous
11 convictions of the defendant, the nature of the offense charged or other circumstances, the court
12 may require that a trial be held unless an additional fine amount is paid by the defendant before a
13 specified date. Notice of an additional fine amount under this subsection may be given to the de-
14 fendant by mail. In no event may the court require a total fine amount in excess of the maximum
15 fine established for the violation by statute.

16 “(8) If a defendant fails to make a first appearance on a citation for a traffic violation, as defined
17 by ORS 801.557, fails to make a first appearance on a citation for a violation of ORS 471.430, or fails
18 to appear at any other subsequent time set for trial or other appearance, the driving privileges of
19 the defendant are subject to suspension under ORS 809.220.

20 “**SECTION 314.** If Senate Bill 415 becomes law, section 3, chapter 423, Oregon Laws 2011 (En-
21 rolled Senate Bill 415), is amended to read:

22 “**Sec. 3.** The amendments to ORS 153.061 and 811.135 by [*sections 1 and 2 of this 2011 Act*]
23 **section 1, chapter 423, Oregon Laws 2011 (Enrolled Senate Bill 415), and section 313 of this**
24 **2011 Act** apply to offenses that occur on or after the effective date of [*this 2011 Act*] **chapter 423,**
25 **Oregon Laws 2011 (Enrolled Senate Bill 415).**

26 “**SECTION 315.** ORS 496.992, as amended by section 1, chapter 517, Oregon Laws 2011 (Enrolled
27 Senate Bill 924), is amended to read:

28 “496.992. [(1)(a) *Except as otherwise provided by subsection (3) of this section and ORS 153.022*
29 *and other law, violation of any provision of the wildlife laws, or any rule promulgated pursuant*
30 *thereto, is a Class A misdemeanor when the offense is committed with a culpable mental state.*]

31 “[*(b) When a person is convicted of a Class A misdemeanor described in paragraph (a) of this*
32 *subsection, in addition to any other penalty authorized by law, the court shall impose a fine that is:*]

33 “[*(A) Equal to the maximum fine described in ORS 161.635 (1)(a), if the person has two or more*
34 *previous convictions for a Class A misdemeanor described in paragraph (a) of this subsection or if the*
35 *offense involves taking three or more times the daily bag limit of any wildlife.*]

36 “[*(B) Not less than one-half of the maximum fine described in ORS 161.635 (1)(a), if the offense*
37 *involves:*]

38 “[*(i) Failing to release a sturgeon more than six feet in length;*]

39 “[*(ii) Unlawfully taking wildlife with the intent to sell, barter, trade, import or export the wildlife,*
40 *or parts thereof, or selling, bartering, trading, importing or exporting unlawfully taken wildlife, or*
41 *parts thereof; or*]

42 “[*(iii) Taking a raptor and the person has a previous conviction for taking a raptor.*]

43 “[*(C) Not less than one-fourth of the maximum fine described in ORS 161.635 (1)(a), if the offense*
44 *involves taking a raptor and the person does not have a previous conviction for taking a raptor.*]

45 “[*(c) If more than one minimum fine described in paragraph (b) of this subsection applies, the court*

1 *shall impose a fine in an amount that is not less than the highest of the applicable minimum fines.]*

2 *“(2) Except as otherwise provided by ORS 153.022 and other law, violation of any provision of the*
3 *wildlife laws or any rule promulgated pursuant thereto is punishable as a Class A violation in the*
4 *manner prescribed in ORS chapter 153 when the offense is committed with no culpable mental state.]*

5 *“(3) The second and each subsequent conviction within a 10-year period for the taking of a raptor*
6 *or the taking of game fish with a total value of \$200 or more or the taking of antelope, black bear,*
7 *cougar, deer, elk, moose, mountain goat or mountain sheep in violation of the wildlife laws, or any rule*
8 *promulgated pursuant thereto which occurs more than one hour prior to or more than one hour sub-*
9 *sequent to a season established for the lawful taking of such game mammals or game fish, is a Class*
10 *C felony when the offense is committed with a culpable mental state.]*

11 *“(4) As used in this section:]*

12 *“(a) ‘Culpable mental state’ has the meaning given that term in ORS 161.085.]*

13 *“(b) ‘Previous conviction’ includes a conviction entered in the same sentencing proceeding if the*
14 *conviction is for a separate criminal episode as defined in ORS 131.505.]*

15 *“(c) ‘Raptor’ means a member of the order Falconiformes or Strigiformes and includes owls,*
16 *hawks, falcons, eagles, osprey and harriers.]*

17 **“(1) Except as otherwise provided by this section or other law, a violation of any pro-**
18 **vision of the wildlife laws, or any rule adopted pursuant to the wildlife laws, is a Class A**
19 **misdemeanor if the offense is committed with a culpable mental state.**

20 **“(2) Except as otherwise provided by this section or other law, a violation of a provision**
21 **of the wildlife laws, or a rule adopted pursuant to the wildlife laws, that does not involve the**
22 **taking of wildlife is a Class D violation if the offense is committed without a culpable mental**
23 **state.**

24 **“(3) A violation of a provision of the wildlife laws, or a rule adopted pursuant to the**
25 **wildlife laws, that involves the taking of wildlife, other than nongame mammals and game**
26 **birds, is a Class A violation if the offense is committed without a culpable mental state.**

27 **“(4) A violation of a provision of the wildlife laws, or a rule adopted pursuant to the**
28 **wildlife laws, that involves the taking of nongame mammals or game birds is a Class C vio-**
29 **lation if the offense is committed without a culpable mental state.**

30 **“(5) A violation of a provision of the wildlife laws, or a rule adopted pursuant to the**
31 **wildlife laws, that involves the size or quantity limits for salmon, steelhead trout and**
32 **sturgeon is a Class A violation if the offense is committed without a culpable mental state.**

33 **“(6) A violation of a provision of the wildlife laws, or a rule adopted pursuant to the**
34 **wildlife laws, relating to the size or quantity limits for fish or shellfish, other than size and**
35 **quantity limits for salmon, steelhead trout and sturgeon, is a Class C violation if the offense**
36 **is committed without a culpable mental state.**

37 **“(7) A violation of the nonresident licensing provisions of ORS 497.102 or 497.121 is a Class**
38 **A violation if the offense is committed without a culpable mental state.**

39 **“(8) A violation of ORS 496.994 is a Class A violation if the offense is committed without**
40 **a culpable mental state.**

41 **“(9) The second and each subsequent conviction within a 10-year period for the taking**
42 **of a raptor or the taking of game fish with a total value of \$200 or more or the taking of**
43 **antelope, black bear, cougar, deer, elk, moose, mountain goat or mountain sheep in violation**
44 **of any provision of the wildlife laws, or any rule adopted pursuant thereto, which occurs**
45 **more than one hour prior to or more than one hour subsequent to a season established for**

1 the lawful taking of such game mammals or game fish is a Class C felony if the offense is
2 committed with a culpable mental state.

3 **“(10) If a person is convicted of a Class A misdemeanor under subsection (1) of this sec-**
4 **tion, in addition to any other penalty authorized by law, the court shall impose a fine that**
5 **is:**

6 **“(a) Equal to the maximum fine described in ORS 161.635 (1)(a), if the person has two or**
7 **more previous convictions for a Class A misdemeanor under subsection (1) of this section**
8 **or if the offense involves taking three or more times the daily bag limit of any wildlife.**

9 **“(b) Not less than one-half of the maximum fine described in ORS 161.635 (1)(a), if the**
10 **offense involves:**

11 **“(A) Failing to release a sturgeon more than six feet in length;**

12 **“(B) Unlawfully taking wildlife with the intent to sell, barter, trade, import or export the**
13 **wildlife, or parts thereof, or selling, bartering, trading, importing or exporting unlawfully**
14 **taken wildlife, or parts thereof; or**

15 **“(C) Taking a raptor and the person has a previous conviction for taking a raptor.**

16 **“(c) Not less than one-fourth of the maximum fine described in ORS 161.635 (1)(a), if the**
17 **offense involves taking a raptor and the person does not have a previous conviction for**
18 **taking a raptor.**

19 **“(11) If more than one minimum fine described in subsection (10) of this section applies,**
20 **the court shall impose a fine in an amount that is not less than the highest of the applicable**
21 **minimum fines.**

22 **“(12) As used in this section:**

23 **“(a) ‘Culpable mental state’ has the meaning given that term in ORS 161.085.**

24 **“(b) ‘Previous conviction’ includes a conviction entered in the same sentencing proceed-**
25 **ing if the conviction is for a separate criminal episode as defined in ORS 131.505.**

26 **“(c) ‘Raptor’ means a member of the order Falconiformes or Strigiformes and includes**
27 **owls, hawks, falcons, eagles, osprey and harriers.**

28 **“SECTION 316.** ORS 496.992, as amended by sections 1 and 3, chapter 517, Oregon Laws 2011
29 (Enrolled Senate Bill 924), is amended to read:

30 *“496.992. [(1) Except as otherwise provided by subsection (3) of this section and ORS 153.022 and*
31 *other law, violation of any provision of the wildlife laws, or any rule promulgated pursuant thereto, is*
32 *a Class A misdemeanor when the offense is committed with a culpable mental state.]*

33 *“[(2) Except as otherwise provided by ORS 153.022 and other law, violation of any provision of the*
34 *wildlife laws or any rule promulgated pursuant thereto is punishable as a Class A violation in the*
35 *manner prescribed in ORS chapter 153 when the offense is committed with no culpable mental state.]*

36 *“[(3) The second and each subsequent conviction within a 10-year period for the taking of a raptor*
37 *or the taking of game fish with a total value of \$200 or more or the taking of antelope, black bear,*
38 *cougar, deer, elk, moose, mountain goat or mountain sheep in violation of the wildlife laws, or any rule*
39 *promulgated pursuant thereto which occurs more than one hour prior to or more than one hour sub-*
40 *sequent to a season established for the lawful taking of such game mammals or game fish, is a Class*
41 *C felony when the offense is committed with a culpable mental state.]*

42 *“[(4) As used in this section, ‘culpable mental state’ has the meaning given that term in ORS*
43 *161.085.]*

44 **“(1) Except as otherwise provided by this section or other law, a violation of any pro-**
45 **vision of the wildlife laws, or any rule adopted pursuant to the wildlife laws, is a Class A**

1 misdemeanor if the offense is committed with a culpable mental state.

2 “(2) Except as otherwise provided by this section or other law, a violation of a provision
3 of the wildlife laws, or a rule adopted pursuant to the wildlife laws, that does not involve the
4 taking of wildlife is a Class D violation if the offense is committed without a culpable mental
5 state.

6 “(3) A violation of a provision of the wildlife laws, or a rule adopted pursuant to the
7 wildlife laws, that involves the taking of wildlife, other than nongame mammals and game
8 birds, is a Class A violation if the offense is committed without a culpable mental state.

9 “(4) A violation of a provision of the wildlife laws, or a rule adopted pursuant to the
10 wildlife laws, that involves the taking of nongame mammals or game birds is a Class C vio-
11 lation if the offense is committed without a culpable mental state.

12 “(5) A violation of a provision of the wildlife laws, or a rule adopted pursuant to the
13 wildlife laws, that involves the size or quantity limits for salmon, steelhead trout and
14 sturgeon is a Class A violation if the offense is committed without a culpable mental state.

15 “(6) A violation of a provision of the wildlife laws, or a rule adopted pursuant to the
16 wildlife laws, relating to the size or quantity limits for fish or shellfish, other than size and
17 quantity limits for salmon, steelhead trout and sturgeon, is a Class C violation if the offense
18 is committed without a culpable mental state.

19 “(7) A violation of the nonresident licensing provisions of ORS 497.102 or 497.121 is a Class
20 A violation if the offense is committed without a culpable mental state.

21 “(8) A violation of ORS 496.994 is a Class A violation if the offense is committed without
22 a culpable mental state.

23 “(9) The second and each subsequent conviction within a 10-year period for the taking
24 of a raptor or the taking of game fish with a total value of \$200 or more or the taking of
25 antelope, black bear, cougar, deer, elk, moose, mountain goat or mountain sheep in violation
26 of any provision of the wildlife laws, or any rule adopted pursuant thereto, which occurs
27 more than one hour prior to or more than one hour subsequent to a season established for
28 the lawful taking of such game mammals or game fish is a Class C felony if the offense is
29 committed with a culpable mental state.

30 “(10) As used in this section, ‘culpable mental state’ has the meaning given that term in
31 ORS 161.085.

32 “**SECTION 316a.** Section 5, chapter 517, Oregon Laws 2011 (Enrolled Senate Bill 924), is
33 amended to read:

34 “**Sec. 5.** No later than January 1, 2014, the State Department of Fish and Wildlife and the De-
35 partment of State Police shall each submit a report to the Legislative Assembly in the manner pro-
36 vided in ORS 192.245 on the effects of the amendments to ORS 496.992 by section 1 [of this 2011
37 Act], chapter 517, Oregon Laws 2011 (Enrolled Senate Bill 924), and section 315 of this 2011
38 Act. The report shall include the number of persons convicted of an offense described in ORS
39 496.992 (1)[(a)] and sentenced to pay a minimum fine described in ORS 496.992 [(1)(b)] (10).

40 “**SECTION 317.** If House Bill 2256 becomes law, section 15, chapter ___, Oregon Laws 2011
41 (Enrolled House Bill 2256) (amending ORS 609.060), is repealed and ORS 609.060, as amended
42 by section 248 of this 2011 Act, is amended to read:

43 “609.060. (1) If [a majority of all votes cast in the election provided for by ORS 609.040 is against
44 permitting dogs to run at large, or if] the governing body of [the] a county by ordinance, or a
45 measure approved by the electors in an election conducted in accordance with ORS chapter

1 **250**, prohibits dogs from running at large, the county shall give notice, by publication in [some] a
2 newspaper having a general circulation in the county[, and in the election precinct if the prohibition
3 of dogs running at large affects any one precinct only, for three consecutive weeks].

4 “(2) After 60 days from the date of the notice, every person keeping a dog shall prevent the dog
5 from running at large in any county[, city or precinct] **or city** where prohibited. A person who is the
6 keeper of a dog commits a Class B violation if the dog runs at large [in a county, city or precinct]
7 where prohibited.

8 “**SECTION 318.** If House Bill 2256 becomes law, section 19, chapter ___, Oregon Laws 2011
9 (Enrolled House Bill 2256), is amended to read:

10 “**Sec. 19.** The amendments to ORS 609.060, 609.095 and 609.100 by sections [15 to] **16 and 17**
11 [of this 2011 Act], **chapter ___, Oregon Laws 2011 (Enrolled House Bill 2256), and section 317**
12 **of this 2011 Act** and the repeal of ORS 609.040 by section 18 [of this 2011 Act], **chapter ___,**
13 **Oregon Laws 2011 (Enrolled House Bill 2256)**, do not invalidate any dog control program formed
14 by one or more precincts prior to the effective date of [this 2011 Act] **chapter ___, Oregon Laws**
15 **2011 (Enrolled House Bill 2256)**. Precincts that formed dog control programs prior to the effective
16 date of [this 2011 Act] **chapter ___, Oregon Laws 2011 (Enrolled House Bill 2256)** may continue
17 to administer and enforce those programs on and after the effective date of [this 2011 Act] **chapter**
18 **___, Oregon Laws 2011 (Enrolled House Bill 2256)** in the same manner as a city dog control pro-
19 gram.

20 “**SECTION 318a.** If Senate Bill 939 becomes law, **section 284 of this 2011 Act (amending**
21 **ORS 691.565) is repealed.**

22 “**SECTION 319.** If House Bill 2137 becomes law, **section 10, chapter 355, Oregon Laws 2011**
23 **(Enrolled House Bill 2137) (amending ORS 811.109), is repealed and ORS 811.109, as amended**
24 **by section 96 of this 2011 Act, is amended to read:**

25 “811.109. (1) Violation of a specific speed limit imposed under law or of a posted speed limit is
26 punishable as follows:

27 “(a) One to 10 miles per hour in excess of the speed limit is a Class D traffic violation.

28 “(b) 11 to 20 miles per hour in excess of the speed limit is a Class C traffic violation.

29 “(c) 21 to 30 miles per hour in excess of the speed limit is a Class B traffic violation.

30 “(d) Over 30 miles per hour in excess of the speed limit is a Class A traffic violation.

31 “(2) Notwithstanding subsection (1) of this section, if the speed limit is 65 miles per hour or
32 greater and:

33 “(a) The person is exceeding the speed limit by 10 miles per hour or less, the offense is a Class
34 C traffic violation.

35 “(b) The person is exceeding the speed limit by more than 10 miles per hour but not more than
36 20 miles per hour, the offense is a Class B traffic violation.

37 “(c) The person is exceeding the speed limit by more than 20 miles per hour, the offense is a
38 Class A traffic violation.

39 “(3) Violation of the basic speed rule by exceeding a designated speed posted under ORS 810.180
40 is punishable as follows:

41 “(a) One to 10 miles per hour in excess of the designated speed is a Class D traffic violation.

42 “(b) 11 to 20 miles per hour in excess of the designated speed is a Class C traffic violation.

43 “(c) 21 to 30 miles per hour in excess of the designated speed is a Class B traffic violation.

44 “(d) Over 30 miles per hour in excess of the designated speed is a Class A traffic violation.

45 “(4) In addition to a fine imposed under subsection (1), (2) or (3) of this section, a court may

1 [impose] **order** a suspension of driving privileges for up to 30 days if a person exceeds a speed limit
2 or designated speed by more than 30 miles per hour and the person has received at least one prior
3 conviction under ORS 811.100 or 811.111 within 12 months of the date of the current offense.

4 “(5) Notwithstanding subsections (1) to (3) of this section, if a person drives 100 miles per hour
5 or greater when the person commits a violation described in this section, the person commits a
6 specific fine traffic violation. The presumptive fine for a violation under this subsection is \$1,150,
7 and upon conviction the court shall order a suspension of driving privileges for not less than 30 days
8 nor more than 90 days.

9 “(6) When a court [imposes] **orders** a suspension under subsection (4) or (5) of this section, the
10 court shall prepare and send to the Department of Transportation an order of suspension of driving
11 privileges of the person. Upon receipt of an order under this subsection, the department shall take
12 action as directed under ORS 809.280.

13 “**SECTION 320. If House Bill 3075 becomes law and House Bill 2104 does not become law,**
14 **section 3, chapter __, Oregon Laws 2011 (Enrolled House Bill 3075) (amending ORS 813.030),**
15 **is repealed and ORS 813.030, as amended by section 147 of this 2011 Act, is amended to read:**

16 “813.030. The fee required by ORS 471.432 and 813.020 (1) shall be in the amount of [*\$130*]
17 **\$155**, except that the court may waive all or part of the fee in cases involving indigent defendants.
18 The court may make provision for payment of the fee on an installment basis. The court shall de-
19 posit the fee in the Criminal Fine Account.

20 “**SECTION 321. If House Bill 3075 becomes law and House Bill 2104 does not become law,**
21 **section 5, chapter __, Oregon Laws 2011 (Enrolled House Bill 3075), is amended to read:**

22 “**Sec. 5.** The amendments to ORS 813.030, 813.240 and 813.602 by sections 2 [*to 4 of this 2011*]
23 **Act] and 4, chapter __, Oregon Laws 2011 (Enrolled House Bill 3075), and section 320 of this**
24 **2011 Act** apply to offenses that occur on or after the effective date of [*this 2011 Act*] **chapter __,**
25 **Oregon Laws 2011 (Enrolled House Bill 3075).**

26 “**SECTION 322. If House Bill 3075 does not become law and House Bill 2104 becomes law,**
27 **section 1, chapter __, Oregon Laws 2011 (Enrolled House Bill 2104) (amending ORS 813.030),**
28 **is repealed and ORS 813.030, as amended by section 147 of this 2011 Act, is amended to read:**

29 “813.030. The fee required by ORS 471.432 and 813.020 (1) shall be in the amount of [*\$130*]
30 **\$230**, except that the court may waive all or part of the fee in cases involving indigent defendants.
31 The court may make provision for payment of the fee on an installment basis. The court shall de-
32 posit the fee in the Criminal Fine Account.

33 “**SECTION 323. If House Bill 3075 does not become law and House Bill 2104 becomes law,**
34 **section 3, chapter __, Oregon Laws 2011 (Enrolled House Bill 2104), is amended to read:**

35 “**Sec. 3.** The amendments to ORS 813.030 and 813.240 by [*sections 1 and 2 of this 2011 Act*]
36 **section 2, chapter __, Oregon Laws 2011 (Enrolled House Bill 2104), and section 322 of this**
37 **2011 Act** apply to persons convicted of driving while under the influence of intoxicants on or after
38 the effective date of [*this 2011 Act*] **chapter __, Oregon Laws 2011 (Enrolled House Bill 2104),**
39 **and to persons who file a petition for a driving while under the influence of intoxicants diversion**
40 **agreement on or after the effective date of [*this 2011 Act*] chapter __, Oregon Laws 2011 (En-**
41 **rolled House Bill 2104).**

42 “**SECTION 324. If both House Bill 3075 and House Bill 2104 become law, sections 1 and 4,**
43 **chapter __, Oregon Laws 2011 (Enrolled House Bill 2104) (both amending ORS 813.030), are**
44 **repealed and ORS 813.030, as amended by section 147 of this 2011 Act, is amended to read:**

45 “813.030. The fee required by ORS 471.432 and 813.020 (1) shall be in the amount of [*\$130*]

1 **\$255**, except that the court may waive all or part of the fee in cases involving indigent defendants.
2 The court may make provision for payment of the fee on an installment basis. The court shall de-
3 posit the fee in the Criminal Fine Account.

4 “**SECTION 325.** If both House Bill 3075 and House Bill 2104 become law, section 3, chapter ____,
5 Oregon Laws 2011 (Enrolled House Bill 2104), as amended by section 6, chapter ____, Oregon Laws
6 2011 (Enrolled House Bill 2104), is amended to read:

7 “**Sec. 3.** The amendments to ORS 813.030 and 813.240 by [*sections 4 and 5 of this 2011 Act*]
8 **section 5, chapter ____, Oregon Laws 2011 (Enrolled House Bill 2104), and section 324 of this**
9 **2011 Act** apply to persons convicted of driving while under the influence of intoxicants on or after
10 the effective date of [*this 2011 Act*] **chapter ____, Oregon Laws 2011 (Enrolled House Bill 2104),**
11 and to persons who file a petition for a driving while under the influence of intoxicants diversion
12 agreement on or after the effective date of [*this 2011 Act*] **chapter ____, Oregon Laws 2011 (En-**
13 **rolled House Bill 2104).**

14 “**SECTION 326.** If House Bill 3075 becomes law and House Bill 2104 does not become law,
15 section 58 of this 2011 Act is amended to read:

16 “**Sec. 58.** (1) There is allocated \$506,244 from the Criminal Fine Account to the Law Enforce-
17 ment Medical Liability Account established under ORS 414.815 for the period beginning January 1,
18 2012, and ending June 30, 2013.

19 “(2) There is allocated \$3,223,179 from the Criminal Fine Account to the Department of Cor-
20 rections for the period beginning January 1, 2012, and ending June 30, 2013, for the purpose of
21 planning, operating and maintaining county juvenile and adult corrections programs and facilities.
22 The grant to each county shall be based on amounts deposited in the Criminal Fine and Assessment
23 Account by the circuit court for the county in the 2009-2011 biennium.

24 “(3) There is allocated \$42,884 from the Criminal Fine Account to the Oregon Health Authority
25 for the period beginning January 1, 2012, and ending June 30, 2013, for the purpose of grants under
26 ORS 430.345 for the establishment, operation and maintenance of alcohol and drug abuse prevention,
27 early intervention and treatment services provided through a county.

28 “(4) There is allocated \$190,004 from the Criminal Fine Account to the Oregon State Police for
29 the period beginning January 1, 2012, and ending June 30, 2013, for the purpose of the enforcement
30 of the laws relating to driving under the influence of intoxicants.

31 “(5) There is allocated \$22,500 from the Criminal Fine Account to the Arrest and Return Ac-
32 count established under ORS 133.865 for the period beginning January 1, 2012, and ending June 30,
33 2013.

34 “(6) There is allocated [*\$699,000*] **\$1,677,000** from the Criminal Fine Account to the Intoxicated
35 Driver Program Fund created under ORS 813.270 for the period beginning January 1, 2012, and
36 ending June 30, 2013.

37 “**SECTION 327.** If House Bill 3075 does not become law and House Bill 2104 becomes law,
38 section 58 of this 2011 Act is amended to read:

39 “**Sec. 58.** (1) There is allocated \$506,244 from the Criminal Fine Account to the Law Enforce-
40 ment Medical Liability Account established under ORS 414.815 for the period beginning January 1,
41 2012, and ending June 30, 2013.

42 “(2) There is allocated \$3,223,179 from the Criminal Fine Account to the Department of Cor-
43 rections for the period beginning January 1, 2012, and ending June 30, 2013, for the purpose of
44 planning, operating and maintaining county juvenile and adult corrections programs and facilities.
45 The grant to each county shall be based on amounts deposited in the Criminal Fine and Assessment

1 Account by the circuit court for the county in the 2009-2011 biennium.

2 “(3) There is allocated \$42,884 from the Criminal Fine Account to the Oregon Health Authority
3 for the period beginning January 1, 2012, and ending June 30, 2013, for the purpose of grants under
4 ORS 430.345 for the establishment, operation and maintenance of alcohol and drug abuse prevention,
5 early intervention and treatment services provided through a county.

6 “(4) There is allocated \$190,004 from the Criminal Fine Account to the Oregon State Police for
7 the period beginning January 1, 2012, and ending June 30, 2013, for the purpose of the enforcement
8 of the laws relating to driving under the influence of intoxicants.

9 “(5) There is allocated \$22,500 from the Criminal Fine Account to the Arrest and Return Ac-
10 count established under ORS 133.865 for the period beginning January 1, 2012, and ending June 30,
11 2013.

12 “(6) There is allocated [~~\$699,000~~] **\$3,378,000** from the Criminal Fine Account to the Intoxicated
13 Driver Program Fund created under ORS 813.270 for the period beginning January 1, 2012, and
14 ending June 30, 2013.

15 “**SECTION 328.** If both House Bill 3075 and House Bill 2104 become law, section 58 of this 2011
16 Act is amended to read:

17 “**Sec. 58.** (1) There is allocated \$506,244 from the Criminal Fine Account to the Law Enforce-
18 ment Medical Liability Account established under ORS 414.815 for the period beginning January 1,
19 2012, and ending June 30, 2013.

20 “(2) There is allocated \$3,223,179 from the Criminal Fine Account to the Department of Cor-
21 rections for the period beginning January 1, 2012, and ending June 30, 2013, for the purpose of
22 planning, operating and maintaining county juvenile and adult corrections programs and facilities.
23 The grant to each county shall be based on amounts deposited in the Criminal Fine and Assessment
24 Account by the circuit court for the county in the 2009-2011 biennium.

25 “(3) There is allocated \$42,884 from the Criminal Fine Account to the Oregon Health Authority
26 for the period beginning January 1, 2012, and ending June 30, 2013, for the purpose of grants under
27 ORS 430.345 for the establishment, operation and maintenance of alcohol and drug abuse prevention,
28 early intervention and treatment services provided through a county.

29 “(4) There is allocated \$190,004 from the Criminal Fine Account to the Oregon State Police for
30 the period beginning January 1, 2012, and ending June 30, 2013, for the purpose of the enforcement
31 of the laws relating to driving under the influence of intoxicants.

32 “(5) There is allocated \$22,500 from the Criminal Fine Account to the Arrest and Return Ac-
33 count established under ORS 133.865 for the period beginning January 1, 2012, and ending June 30,
34 2013.

35 “(6) There is allocated [~~\$699,000~~] **\$4,323,000** from the Criminal Fine Account to the Intoxicated
36 Driver Program Fund created under ORS 813.270 for the period beginning January 1, 2012, and
37 ending June 30, 2013.

38 “**SECTION 329.** ORS 830.990, as amended by section 1, chapter 381, Oregon Laws 2011 (Enrolled
39 House Bill 3121), is amended to read:

40 “830.990. [(1) *Violation of ORS 830.565 by a person operating a manually propelled boat is*
41 *punishable by a fine of \$30, and violation of ORS 830.565 by a person operating a motorboat is*
42 *punishable by a fine of \$50. A court may not impose the unitary assessment provided for in ORS*
43 *137.290, the assessment provided for in ORS 137.309, or any other additional assessment or surcharge,*
44 *for a violation of ORS 830.565.]*

45 “(1)(a) **Violation of ORS 830.565 by a person operating a manually propelled boat is a Class**

1 **D violation. Notwithstanding section 2 of this 2011 Act, the presumptive fine for a violation**
2 **of ORS 830.565 is \$30.**

3 **“(b) Violation of ORS 830.565 by a person operating a motorboat is punishable is a Class**
4 **D violation. Notwithstanding section 2 of this 2011 Act, the presumptive fine for a violation**
5 **of ORS 830.565 is \$50.**

6 **“(2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094, 830.230, 830.415,**
7 **830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855, or rules adopted to carry out the pur-**
8 **poses of those statutes, commits a Class D violation.**

9 **“(3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375, 830.475 (4), 830.480,**
10 **830.785, 830.805 or 830.825, or rules adopted to carry out the purposes of those statutes, commits a**
11 **Class C violation.**

12 **“(4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.195, 830.210, 830.215,**
13 **830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335, 830.340, 830.345, 830.350, 830.355,**
14 **830.360, 830.362, 830.365, 830.370, 830.410, 830.420, 830.495, 830.560, 830.775, 830.795 or 830.830, or**
15 **rules adopted to carry out the purposes of those statutes, commits a Class B violation.**

16 **“(5) A person who violates ORS 830.305 or 830.390, or rules adopted to carry out the purposes**
17 **of those statutes, commits a Class A violation.**

18 **“(6) A person who violates ORS 830.383 or 830.909 commits a Class B misdemeanor.**

19 **“(7) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325, 830.475 (1), 830.730 or**
20 **830.955 (1) commits a Class A misdemeanor.**

21 **“(8) A person who violates ORS 830.475 (2) commits a Class C felony.**

22 **“SECTION 330. (1) The amendments to ORS 137.300 by section 52 of this 2011 Act are**
23 **intended to change the name of the Criminal Fine and Assessment Account to the Criminal**
24 **Fine Account.**

25 **“(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel**
26 **may substitute for words designating the ‘Criminal Fine and Assessment Account,’ wherever**
27 **they occur in statutory law, other words designating the ‘Criminal Fine Account.’”.**

28 In line 30, delete “311” and insert “331”.

29 In line 36, delete “311a” and insert “332”.

30 On page 125, line 1, delete “312” and insert “333”.

31