

House Bill 3040

Sponsored by Representative OLSON; Representatives CLEM, FREEMAN, GELSER, JOHNSON, SCHAUFLER, SPRENGER, WAND, WHISNANT, Senators KRUSE, MORSE, THOMSEN

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**.

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

A BILL FOR AN ACT

Relating to violations; creating new provisions; and amending ORS 153.093.

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

SECTION 1. ORS 153.093 is amended to read:

153.093. (1) Notwithstanding any other provision of law **and except as otherwise provided in this section**, a court or violations bureau may not defer, waive, suspend or otherwise reduce the fine for a violation to an amount that is less than:

(a) [75] **50** percent of the base fine amount established for the offense under ORS 153.125 to 153.145, if the offense is a Class A, B, C or D violation, or an unclassified violation, under ORS 153.012 and 153.015; or

(b) 20 percent of the base fine amount established for the offense under ORS 153.125 to 153.145, if the offense is a specific fine violation as described by ORS 153.015.

(2) A court or violations bureau may impose a fine lower than the amount required by subsection (1) of this section if the court has:

(a) Authorized imposition of a lower fine for a vehicle equipment violation in a proceeding in which the defendant establishes that the vehicle equipment has been installed or repaired to comply with the law that was violated; or

(b) Established procedures for the imposition of a lower fine based on a determination that the defendant has not been convicted of an offense within the three-year period immediately preceding the date on which the citation was issued.

(3) In addition to the grounds specified in subsection (2) of this section, a court may impose a fine lower than the amount required by subsection (1) of this section if the court determines:

(a) That the defendant is indigent; or

(b) In a specific case, that the amount of the fine required by subsection (1) of this section would be inconsistent with justice.

[(2)] (4) Nothing in this section:

(a) Affects the manner in which a court imposes or reduces monetary obligations other than fines.

(b) Allows a court to reduce any fine amount below a minimum fine amount established by statute for the offense.

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 (c) Affects the ability of a court to establish a payment schedule for fines imposed by the court.

2 [(3)] **(5)** For the purpose of determining whether a fine meets the requirements of subsection (1)
3 of this section, the unitary assessment amount under ORS 137.290 and the county assessment amount
4 under ORS 137.309 shall be included in calculating the amount required under subsection (1) of this
5 section.

6 [(4)] **(6)** The Department of Revenue or Secretary of State may audit any court to determine
7 whether the court is complying with the requirements of this section. In addition, the Department
8 of Revenue or Secretary of State may audit any court to determine whether the court is complying
9 with the requirements of ORS 137.290 (4) and 153.630 (4). The Department of Revenue or Secretary
10 of State may file an action under ORS 34.105 to 34.240 to enforce the requirements of this section
11 and ORS 137.290 (4) and 153.630 (4).

12 **SECTION 2. The amendments to ORS 153.093 by section 1 of this 2011 Act apply to vio-**
13 **lations committed before, on or after the effective date of this 2011 Act.**

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