

# Senate Bill 418

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## 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**.

Creates exception to minimum fine statute for court sentencing offender to community service as alternative to fine.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to community service as alternative to fine; amending ORS 153.093; and declaring an  
3 emergency.

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

5 **SECTION 1.** ORS 153.093 is amended to read:

6 153.093. (1) [*Notwithstanding any other provision of law*] **Except as provided in ORS 137.128**,  
7 a court or violations bureau may not defer, waive, suspend or otherwise reduce the fine for a vio-  
8 lation to an amount that is less than:

9 (a) 75 percent of the base fine amount established for the offense under ORS 153.125 to 153.145,  
10 if the offense is a Class A, B, C or D violation, or an unclassified violation, under ORS 153.012 and  
11 153.015; or

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

14 (2) Nothing in this section:

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

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

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

20 (3) For the purpose of determining whether a fine meets the requirements of subsection (1) of  
21 this section, the unitary assessment amount under ORS 137.290 and the county assessment amount  
22 under ORS 137.309 shall be included in calculating the amount required under subsection (1) of this  
23 section.

24 (4) The Department of Revenue or Secretary of State may audit any court to determine whether  
25 the court is complying with the requirements of this section. In addition, the Department of Revenue  
26 or Secretary of State may audit any court to determine whether the court is complying with the  
27 requirements of ORS 137.290 (4) and 153.630 (4). The Department of Revenue or Secretary of State  
28 may file an action under ORS 34.105 to 34.240 to enforce the requirements of this section and ORS  
29 137.290 (4) and 153.630 (4).

30 **SECTION 2. This 2011 Act being necessary for the immediate preservation of the public**

**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 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
2 **on its passage.**

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