

REVENUE: Revenue statement issued

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended, Be Printed Engrossed, and Be Referred to the Committee on Ways and Means by Prior Reference
Vote:	10 - 0 - 0
Yeas:	Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	2/2, 2/6, 2/8

WHAT THE MEASURE DOES: Lowers from \$60 to \$45 the state of Oregon’s share of the fine amounts from a traffic fine. Clarifies if the fine amount is less than \$45, the state receives the fine amount. Clarifies that the state of Oregon does not receive any moneys from Snow Park parking or helmet law violations. Places a county’s or city’s portion of a fine imposed in a justice of the peace court or a municipal court on the same level as the state’s portion. Allows a violations bureau to accept a plea of no contest. Stipulates how fines are imposed upon a person for violating a mass transit ordinance after collections are deposited to both the state Criminal Fine Account and the mass transit district. Clarifies that the division of fines collected for violation of a mass transit district ordinance applies to circuit courts.

ISSUES DISCUSSED:

- Impact of House Bill 2712 on municipal and county courts
- House Bill 2712 was intended to be revenue neutral as it relates to the revenue going to state and local government
- Difficulty in determining if the revenue going to state and local government is approximately the same now as it was prior to House Bill 2712

EFFECT OF COMMITTEE AMENDMENT: Clarifies that the unitary assessment applies to offenses committed prior to January 1, 2012. Stipulates how fines are imposed upon a person for violating a mass transit ordinance after collections are deposited to both the state Criminal Fine Account and the mass transit district. Clarifies that the division of fines collected for violation of a mass transit district ordinance applies to circuit courts.

BACKGROUND: The 2011 Legislative Assembly enacted House Bill 2712 that did, among other things, set forth new limits on the maximum and minimum fines associated with the different categories of violations, and how the proceeds from the fines are to be allocated among and between the state general fund and local government. It also eliminated the state and county assessments that were added on to the base fine. These additional amounts often caused confusion with the public.

The allocation of revenues generated by the prosecution of violations between the state general fund and the local government entities is dependent upon many factors including the court where the matter is prosecuted and the law enforcement agency prosecuting the matter. One of the underlying premises of the bill was to, as much as possible, keep the allocation of funds between the state general fund and local government the same as it was prior to House Bill 2712. This reportedly was not easy to do with the vagueness associated with prior law and the different interpretations different government entities applied in carrying out its provisions.

House Bill 2712 repealed or amended over one-hundred statutes in its three-hundred and thirty-three sections and one-hundred seventeen pages. One provision stated that in any criminal action in which a fine is imposed, the state general

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

fund receives the first \$60 or the amount of the fine if the amount collected is less than \$60. Several local courts have contended that this provision reduces the revenue they received compared to what they received prior to the bills enactment. Also, they contend that the language of the bill extended to parking tickets issued in winter recreational parking areas, fines for bicycle operators, scooter operations, skateboarders or inline skaters not wearing helmet this provision requiring the state to receive payment first.