

Joint Committee on Ways and Means

Carrier – House: Rep. Nolan  
Carrier – Senate: Sen. Monroe

**Revenue:** Revenue statement issued

**Fiscal:** Minimal fiscal impact, no statement issued

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**Action:** Do Pass as Amended and as Printed A-Engrossed

**Vote:** 22 – 2 – 1

House

Yeas: Beyer, Buckley, Garrard, Komp, McLane, Nathanson, Nolan, Read, Richardson, G. Smith, Thatcher, Whisnant

Nays: Freeman

Exc: Cowan

Senate

Yeas: Bates, Devlin, Edwards, Johnson, Monroe, Nelson, Thomsen, Verger, Whitsett, Winters

Nays: Girod

Exc:

**Prepared By:** John Borden, Legislative Fiscal Office

**Meeting Date:** February 17, 2012

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**WHAT THE MEASURE DOES:** Makes technical changes to the current law implementation of HB 2712 (2011). Clarifies the financial implementation of HB 2712 (criminal fines) by restating the fine amount to be remitted to the state by local courts; the fees payable by circuit vs. local courts; fees payable by corporations; remittance of fees for animal abuse; changes the fine amounts charged by the Department of Transportation; presumptive fee amounts; and the distribution of revenues by the Judicial Department and the Department of Revenue, among other technical changes.

**ISSUES DISCUSSED:**

- Need for the measure and the few statutory changes arising from the implementation of HB 2712
- Legislative Counsel explanatory cover memorandum
- amendments
- Interim Committee on State Court Justice System Review

**EFFECT OF COMMITTEE AMENDMENT:** Removes the maximum language for offenses, exempts entities issuing small fines below \$60 from having to remit \$60 to the Criminal Fines Account, and will treat violations issued by TriMet identical to violations issued by local governments, which would require TriMet to submit the first \$60 from each violation to the Criminal Fines Account. Also authorizes an allocation from the Criminal Fines Account to TriMet for net violation revenues issued from January 1, 2012 to the effective date of the measure.

**BACKGROUND:** House Bill 2712 updated and simplified the current statutory revenue and distribution structure related to criminal fines, assessments, and other financial penalties imposed on conviction for felonies, misdemeanors, and violations other than parking infractions. All of the fine amounts are permanent and became effective January 1, 2012. The measure increased judicial discretion on the amount of fine to impose by up to 50 percent, and reduced the violation fines imposed below current law. Judicial discretion in school, construction, and safety corridor zones was increased to 75 percent of the presumptive fine. Local justice, county, and municipal courts remit \$60 to the state for its portion of the fine amount in lieu of the old Unitary Assessment and county assessment. The current practice of remitting one half of the fine amount, if the violation was cited by a State Police Officer is retained. Local courts will also remit the local court security assessment, and the State Court Facilities Security Account assessment, which is then allocated to the local courts. The bill does not affect the distribution of fine revenue, which remains the same as current law. The measure eliminates the Unitary Assessment and the county assessment and replaces it with a flat fine amount, a portion of which is to be remitted to the state in lieu of the Unitary Assessment and the county assessment.

House Bill 2712 was one of three measures resulting from the efforts of the Joint Interim Committee on State Justice System Revenues, which was established by House Bill 2287 (2009).