

House Bill 4167

Sponsored by JOINT COMMITTEE ON WAYS AND MEANS

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**.

Modifies laws relating to fines.
Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to offenses; creating new provisions; amending ORS 133.379, 137.017, 137.300, 153.018, 153.020, 153.021, 153.030, 153.061, 153.090, 153.099, 153.800, 165.107, 471.410, 475.860, 475.864, 811.109, 811.590, 813.095, 814.485, 814.486, 814.534, 814.536, 814.600, 818.430 and 830.990 and section 61a, chapter 597, Oregon Laws 2011; and declaring an emergency.

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

AMOUNTS PAYABLE BY MUNICIPAL OR JUSTICE COURT FOR DEPOSIT IN CRIMINAL FINE ACCOUNT

SECTION 1. (1) **ORS 153.633 applies only to offenses that are committed on or after January 1, 2012.**

(2) **The repeal of ORS 137.290 by section 118, chapter 597, Oregon Laws 2011, applies only to offenses committed on or after January 1, 2012. Except as provided in this section, any offense committed before January 1, 2012, shall continue to be governed by ORS 137.290 as in effect immediately before January 1, 2012, and all amounts collected as a unitary assessment for offenses committed before January 1, 2012, shall be deposited in the Criminal Fine Account.**

SECTION 2. ORS 137.017 is amended to read:

137.017. Except as otherwise specifically provided by law, all fines, costs, security deposits and other amounts ordered or required to be paid in criminal actions **in circuit courts** are monetary obligations payable to the state and shall be deposited in the Criminal Fine Account.

SECTION 3. ORS 153.030 is amended to read:

153.030. (1) The procedures provided for in this chapter apply to violations described in ORS 153.008. Except as specifically provided in this chapter, the criminal procedure laws of this state applicable to crimes also apply to violations.

(2) Notwithstanding subsection (1) of this section, *[the]* **ORS 153.633 and all other** provisions of this chapter and of the criminal procedure laws of this state do not apply to violations that govern the parking of vehicles and that are created by ordinance or by agency rule.

(3) The statute of limitations for proceedings under this chapter is as provided in ORS 131.125.

(4) This chapter does not affect the ability of a city described in ORS 3.136 (1) to engage in the

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 activities described in ORS 3.136 (3). Nothing in this chapter affects the ability of any other political
 2 subdivision of this state to provide for the administrative enforcement of the charter, ordinances,
 3 rules and regulations of the political subdivision, including enforcement through imposition of mon-
 4 etary penalties. Except for ordinances governing the parking of vehicles, administrative enforcement
 5 as described in this subsection may not be used for any prohibition designated as an offense.

6 (5) Nothing in this chapter affects the ability of any political subdivision of this state to estab-
 7 lish rules relating to administrative enforcement as described in subsection (4) of this section, in-
 8 cluding rules providing for the use of citations or other procedures for initiating administrative
 9 enforcement proceedings.

10 (6) Nothing in this chapter affects the ability of any political subdivision of this state to conduct
 11 hearings for administrative enforcement as described in subsection (4) of this section, either before
 12 a hearing officer or before the governing body of the political subdivision.

13 (7) Nothing in this chapter affects the ability of any political subdivision to bring a civil action
 14 to enforce the charter, ordinances, rules and regulations of the political subdivision, or to bring a
 15 civil action to enforce any order for administrative enforcement as described in subsection (4) of this
 16 section.

17 (8) Nothing in ORS 153.042 affects the authority of any political subdivision of this state to
 18 provide for issuance of citations for violation of offenses created by ordinance on the same basis as
 19 the political subdivision could under the law in effect immediately before January 1, 2000.

20
 21 **CORPORATE DEFENDANTS**

22
 23 **SECTION 4.** ORS 153.061 is amended to read:

24 153.061. (1) Except as provided in [subsections (2) and (3)] **subsection (2)** of this section, a de-
 25 fendant who has been issued a violation citation must either:

26 (a) Make a first appearance by personally appearing in court at the time indicated in the sum-
 27 mons; or

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

30 (2) If a defendant is issued a violation citation for careless driving under ORS 811.135 on which
 31 a police officer noted that the offense contributed to an accident and that the cited offense appears
 32 to have contributed to the serious physical injury or death of a vulnerable user of a public way, the
 33 officer may not enter the amount of the presumptive fine on the summons and the defendant must
 34 make a first appearance by personally appearing in court at the time indicated in the summons.

35 *[(3) If a corporation is issued a violation citation, the police officer may not enter the amount of*
 36 *the presumptive fine on the summons and the defendant must make a first appearance by appearing in*
 37 *court at the time indicated in the summons.]*

38 *[(4)]* **(3)** Except as provided in this section, a defendant who has been issued a violation citation
 39 may make a first appearance in the matter before the time indicated in the summons by one of the
 40 following means:

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

42 (b) The defendant may enter a plea of no contest by delivering to the court the summons and
 43 a check or money order in the amount of the presumptive fine set forth in the summons. The entry
 44 of a plea under the provisions of this paragraph constitutes a waiver of trial and consent to the
 45 entry of a judgment forfeiting the presumptive fine. A no contest plea under this section is not

1 subject to the requirements of ORS chapter 135 relating to the entry of pleas and, upon receipt of
 2 the plea, the court may enter judgment against the defendant without taking further evidence.

3 [(5)] (4) The court may require that a defendant requesting a trial under subsection [(4)] (3) of
 4 this section deposit an amount equal to the presumptive fine established under ORS 153.019 and
 5 153.020 or such other amount as the court determines appropriate if the defendant has failed to ap-
 6 pear in any court on one or more other charges in the past. If the defendant does not deposit the
 7 amount specified by the court, the defendant must personally appear in court at the time indicated
 8 in the summons. The amount deposited by the defendant may be applied against any fine imposed
 9 by the court, and any amount not so applied shall be refunded to the defendant at the conclusion
 10 of the proceedings.

11 [(6)] (5) The court may require a defendant to appear personally in any case, or may require that
 12 all defendants appear in specified categories of cases.

13 [(7)] (6) If a defendant has entered a no contest plea in the manner provided in subsection [(4)]
 14 (3) of this section, and the court determines that the presumptive fine is not adequate by reason of
 15 previous convictions of the defendant, the nature of the offense charged or other circumstances, the
 16 court may require that a trial be held unless an additional fine amount is paid by the defendant
 17 before a specified date. Notice of an additional fine amount under this subsection may be given to
 18 the defendant by mail. In no event may the court require a total fine amount in excess of the max-
 19 imum fine established for the violation by statute.

20 [(8)] (7) If a defendant fails to make a first appearance on a citation for a traffic violation, as
 21 defined by ORS 801.557, fails to make a first appearance on a citation for a violation of ORS 471.430,
 22 or fails to appear at any other subsequent time set for trial or other appearance, the driving privi-
 23 leges of the defendant are subject to suspension under ORS 809.220.

24 **SECTION 5.** ORS 153.090 is amended to read:

25 153.090. (1) Judgments entered under this chapter may include:

- 26 (a) Imposition of a sentence to pay a fine;
- 27 (b) Costs and restitution authorized by law;
- 28 (c) A requirement that the fine, costs and restitution, if any, be paid out of the presumptive fine;
- 29 (d) Remission of any balance of a presumptive fine to the defendant; and
- 30 (e) Any other provision authorized by law.

31 (2) Notwithstanding ORS 137.106, if the court orders restitution in a default judgment entered
 32 under ORS 153.102, a defendant may allege an inability to pay the full amount of monetary sanctions
 33 imposed, including restitution, and request a hearing to determine whether the defendant is unable
 34 to pay or to establish a payment schedule by filing a written request with the court within one year
 35 after the entry of the judgment. The court shall set a hearing on the issue of the defendant's ability
 36 to pay upon receipt of the request and shall give notice to the district attorney. The district attor-
 37 ney shall give notice to the victim of the date, time and place of the hearing. The court may deter-
 38 mine a payment schedule for monetary sanctions imposed, including restitution ordered under this
 39 subsection, if the defendant establishes at the hearing that the defendant is unable to pay the or-
 40 dered restitution in full.

41 (3) If a trial is held in a violation proceeding, or a default judgment is entered against the de-
 42 fendant under ORS 153.102, the court may impose any fine within the statutory limits for the vio-
 43 lation. If a defendant pleads no contest under ORS 153.061 [(4)] (3) and the court accepts the plea
 44 and enters judgment against the defendant, the amount of the fine imposed against the defendant
 45 by the court may not exceed the presumptive fine established for the violation under ORS 153.019

1 and 153.020.

2 (4) A judge may suspend operation of any part of a judgment entered under this chapter upon
 3 condition that the defendant pay the nonsuspended portion of a fine within a specified period of
 4 time. If the defendant fails to pay the nonsuspended portion of the fine within the specified period
 5 of time, the suspended portion of the judgment becomes operative without further proceedings by the
 6 court and the suspended portion of the fine becomes immediately due and payable.

7 (5) The court may not issue notice to the Department of Transportation to suspend the
 8 defendant's driving privileges unless a trial has been required. The failure of the defendant to appear
 9 at the trial does not prevent the court from issuing notice to the department to suspend the
 10 defendant's driving privileges.

11 (6) Entry of a default judgment under ORS 153.102 does not preclude the arrest and prosecution
 12 of the defendant for the crime of failure to appear in a violation proceeding under ORS 153.992.

13 (7) If a person holds a commercial driver license, a court may not defer entry of a judgment or
 14 allow an individual to enter into a diversion program that would prevent a conviction for a traffic
 15 offense from appearing on the driving record of the holder. This subsection applies to all traffic of-
 16 fenses, whether committed while driving a motor vehicle or a commercial motor vehicle, but does
 17 not apply to parking violations. For purposes of this subsection, a person holds a commercial driver
 18 license if on the date of the commission of the offense the person holds a commercial driver license
 19 issued by the department or the licensing agency of another jurisdiction that is:

20 (a) Not expired or if expired, expired less than one year; or

21 (b) Suspended, but not canceled or revoked.

22 **SECTION 6.** ORS 153.099 is amended to read:

23 153.099. (1) If a trial is held in a violation proceeding, the court shall enter a judgment based
 24 on the evidence presented at the trial.

25 (2) If the defendant appears and enters a plea of no contest in the manner described in ORS
 26 153.061 [(4)] (3) and a trial is not otherwise required by the court or by law, the court shall make
 27 a decision based on the citation. The court may consider any statement of explanation submitted
 28 with the plea.

29
 30 **LOCAL COURT FACILITY SECURITY ACCOUNTS**

31
 32 **SECTION 7.** Section 61a, chapter 597, Oregon Laws 2011, is amended to read:

33 **Sec. 61a.** (1) During the biennium beginning July 1, 2011, the State Court Administrator may
 34 expend not more than \$2,862,376 from the State Court Facilities and Security Account for the pur-
 35 poses of:

36 (a) Developing or implementing a plan for state court security improvement, emergency
 37 preparedness and business continuity under ORS 1.177.

38 (b) Statewide training on state court security.

39 (2) During the biennium beginning July 1, 2011, the State Court Administrator may distribute
 40 not more than \$4,701,919 from the State Court Facilities and Security Account to court facilities
 41 security accounts maintained under ORS 1.182. The distribution to each county shall be based on
 42 amounts deposited in the [*Criminal Fine and Assessment Account*] **local court facilities security**
 43 **account** by the circuit court for the county, **and by municipal and justice courts located in the**
 44 **county**, in the 2009-2011 biennium.

45 (3) Notwithstanding ORS 1.178 (2)(d), during the biennium beginning July 1, 2011, the State

1 Court Administrator may not expend any funds from the State Court Facilities and Security Account
 2 for the purpose of capital improvements for courthouses and other state court facilities.

3
 4 **VIOLATION BUREAUS**

5
 6 **SECTION 8.** ORS 153.800 is amended to read:

7 153.800. (1) Any court of this state may establish a Violations Bureau and designate the clerk
 8 or deputy clerk of the court or any other appropriate person to act as a violations clerk for the
 9 Violations Bureau. The violations clerk shall serve under the direction and control of the court
 10 appointing the clerk.

11 (2) A violations clerk may exercise authority over any violation. A **justice or municipal** court
 12 establishing a Violations Bureau shall by order specify the violations that are subject to the au-
 13 thority of the violations clerk.

14 (3) Except as provided in subsection (6) of this section, the violations clerk shall accept:

15 (a) Written appearance, waiver of trial, plea of *[guilty]* **no contest** and payment of fine, costs
 16 and assessments for violations that are subject to the authority of the violations clerk; or

17 (b) Payment of presumptive fine amounts for violations that are subject to the authority of the
 18 violations clerk.

19 (4)(a) Courts other than circuit courts shall establish schedules, within the limits prescribed by
 20 law, of the amounts of penalties to be imposed for first, second and subsequent violations, desig-
 21 nating each violation specifically or by class. The order of the court establishing the schedules shall
 22 be prominently posted in the place where penalties established under the schedule are paid.

23 (b) The Chief Justice of the Supreme Court shall establish a uniform fine schedule for violations
 24 prosecuted in circuit courts. **The schedule must specify the violations that are subject to the**
 25 **authority of the violations clerk.**

26 (c) All amounts must be paid to, receipted by and accounted for by the violations clerk in the
 27 same manner as other payments on money judgments are received by the court.

28 (5) Any person charged with a violation within the authority of the violations clerk may:

29 (a) Upon signing an appearance, plea of *[guilty]* **no contest** and waiver of trial, pay the clerk
 30 the penalty established for the violation charged, including any costs and assessments authorized
 31 by law.

32 (b) Pay the clerk the presumptive fine amount established for the violation. Payment of the
 33 presumptive fine amount under this paragraph constitutes consent to forfeiture of the presumptive
 34 fine amount and disposition of the violation by the clerk as provided by the rules of the court.
 35 Payment of **the** presumptive fine amount under this paragraph is not consent to forfeiture of the
 36 presumptive fine amount if the payment is accompanied by a plea of not guilty or a request for
 37 hearing.

38 (6) A person who has been found guilty of, or who has signed a plea of no contest to, one or
 39 more previous offenses in the preceding 12 months within the jurisdiction of the court *[shall]* **may**
 40 not *[be permitted to]* appear before the violations clerk unless the court, by general order applying
 41 to certain specified offenses, permits such appearance.

42
 43 **DEDICATED FINES**

44
 45 **SECTION 9.** ORS 133.379 is amended to read:

1 133.379. [(1)] It shall be the duty of any peace officer to arrest and prosecute any violator of
 2 ORS 167.315 to 167.333, 167.340, 167.355, 167.365 or 167.428 for any violation which comes to the
 3 knowledge or notice of the officer.

4 [(2) *All fines and forfeitures collected for violations of ORS 167.315 to 167.333, 167.340, 167.355,*
 5 *167.365 or 167.428, except for forfeitures of the animal as provided under ORS 167.350 or 167.435, shall*
 6 *be paid into the county treasury of the county in which it is collected, and placed to the credit of the*
 7 *county school fund.*]

8
 9 **HIGHWAY WORK ZONES, SCHOOL ZONES**
 10 **AND SAFETY CORRIDOR ZONES**

11
 12 **SECTION 10.** ORS 153.020 is amended to read:

13 153.020. [(1)] If [*an individual*] **a person** is charged with a traffic violation, as defined in ORS
 14 801.557, and the enforcement officer issuing the citation notes on the citation that the offense oc-
 15 curred in a highway work zone and is subject to the provisions of ORS 811.230, occurred in a posted
 16 school zone and is subject to the provisions of ORS 811.235, or occurred in a safety corridor and is
 17 subject to the provisions of ORS 811.483, the presumptive fine for the violation is:

18 [(a)] (1) \$870 for a Class A violation.

19 [(b)] (2) \$520 for a Class B violation.

20 [(c)] (3) \$320 for a Class C violation.

21 [(d)] (4) \$220 for a Class D violation.

22 [(2) *The presumptive fine for a specific fine violation that is subject to this section is an amount*
 23 *equal to twice the presumptive fine determined for the violation under ORS 153.019 (2).*]

24 **SECTION 11.** ORS 153.021 is amended to read:

25 153.021. (1) Except as otherwise provided by law, a court may not defer, waive, suspend or oth-
 26 erwise reduce the fine for a violation that is subject to the presumptive fines established by ORS
 27 153.019 (1) or 153.020 [(1)] to an amount that is less than:

28 (a) \$220 for a Class A violation.

29 (b) \$130 for a Class B violation.

30 (c) \$80 for a Class C violation.

31 (d) \$60 for a Class D violation.

32 (2) Except as otherwise provided by law, a court may not defer, waive, suspend or otherwise
 33 reduce the fine for a specific fine violation to an amount that is less than 20 percent of the
 34 presumptive fine for the violation.

35 (3) This section does not affect the manner in which a court imposes or reduces monetary obli-
 36 gations other than fines.

37 (4) The Department of Revenue or Secretary of State may audit any court to determine whether
 38 the court is complying with the requirements of this section. In addition, the Department of Revenue
 39 or Secretary of State may audit any court to determine whether the court is complying with the
 40 requirements of ORS 137.289 to 137.297 and 153.640 to 153.680. The Department of Revenue or Sec-
 41 retary of State may file an action under ORS 34.105 to 34.240 to enforce the requirements of this
 42 section and of ORS 137.289 to 137.297 and 153.640 to 153.680.

43
 44 **MAXIMUM FINES FOR SPECIFIC FINE VIOLATIONS**

1 **SECTION 12.** ORS 153.018 is amended to read:

2 153.018. (1) The penalty for committing a violation is a fine. The law creating a violation may
3 impose other penalties in addition to a fine but may not impose a term of imprisonment.

4 (2) Except as otherwise provided by law, the maximum fine for a violation committed by an in-
5 dividual is:

6 (a) \$2,000 for a Class A violation.

7 (b) \$1,000 for a Class B violation.

8 (c) \$500 for a Class C violation.

9 (d) \$250 for a Class D violation.

10 *[(e) \$2,000 for a specific fine violation, or the maximum amount otherwise established by law for*
11 *the specific fine violation.]*

12 (3) If a special corporate fine is specified in the law creating the violation, the sentence to pay
13 a fine shall be governed by the law creating the violation. Except as otherwise provided by law, if
14 a special corporate fine is not specified in the law creating the violation, the maximum fine for a
15 violation committed by a corporation is:

16 (a) \$4,000 for a Class A violation.

17 (b) \$2,000 for a Class B violation.

18 (c) \$1,000 for a Class C violation.

19 (d) \$500 for a Class D violation.

20 **SECTION 13.** ORS 165.107 is amended to read:

21 165.107. (1) Before completing a transaction, a scrap metal business engaged in business in this
22 state shall:

23 (a) Create a metal property record for the transaction at the time and in the location where the
24 transaction occurs. The record must:

25 (A) Be accurate and written clearly and legibly in English;

26 (B) Be entered onto a standardized printed form or an electronic form that is securely stored
27 and is capable of ready retrieval and printing; and

28 (C) Contain all of the following information:

29 (i) The signature of the individual with whom the scrap metal business conducts the transaction.

30 (ii) The time, date, location and monetary amount or other value of the transaction.

31 (iii) The name of the employee who conducts the transaction on behalf of the scrap metal busi-
32 ness.

33 (iv) The name and telephone number of the individual with whom the scrap metal business
34 conducts the transaction and a street address to which the scrap metal business will mail payment
35 to the individual. The metal property record may contain an address other than a street address if
36 the address is listed on the government-issued photo identification described in sub-subparagraph (vi)
37 of this subparagraph.

38 (v) A description of, and the license number and issuing state shown on the license plate affixed
39 to, the motor vehicle, if any, used to transport the individual who conducts, or the nonferrous metal
40 property or private metal property that is the subject of, the transaction.

41 (vi) A photocopy of a current, valid driver license or other government-issued photo identifica-
42 tion belonging to the individual with whom the scrap metal business conducts the transaction.

43 (vii) A photograph of, or video surveillance recording depicting, a recognizable facial image of
44 the individual with whom the scrap metal business conducts the transaction.

45 (viii) A general description of the nonferrous metal property or private metal property that

1 constitutes the predominant part of the transaction. The description must include any identifiable
2 marks on the property, if readily discernible, and must specify the weight, quantity or volume of the
3 nonferrous metal property or private metal property.

4 (b) Require the individual with whom the scrap metal business conducts a transaction to sign
5 and date a declaration printed in conspicuous type, either on the record described in this subsection
6 or on a receipt issued to the individual with whom the scrap metal business conducts the trans-
7 action, that states:

8 _____
9
10 I, _____, AFFIRM UNDER PENALTY OF LAW THAT THE PROPERTY I AM
11 SELLING IN THIS TRANSACTION IS NOT, TO THE BEST OF MY KNOWLEDGE, STOLEN
12 PROPERTY.
13 _____

14
15 (c) Require the employee of the scrap metal business who conducts the transaction on behalf
16 of the scrap metal business to witness the individual sign the declaration, and also to sign and date
17 the declaration in a space provided for that purpose.

18 (d) For one year following the date of the transaction, keep a copy of the record and the signed
19 and dated declaration described in this subsection. If the scrap metal business uses a video surveil-
20 lance recording as part of the record kept in accordance with this subsection, the scrap metal
21 business need not keep the video surveillance recording for one year, but shall retain the video
22 surveillance recording for a minimum of 30 days following the date of the transaction. The scrap
23 metal business shall at all times keep the copies at the current place of business for the scrap metal
24 business.

25 (2) A scrap metal business engaged in business in this state may not do any of the following:

26 (a) Purchase or receive kegs or similar metallic containers used to store or dispense alcoholic
27 beverages, except from a person that manufactures the kegs or containers or from a person licensed
28 by the Oregon Liquor Control Commission under ORS 471.155.

29 (b) Conduct a transaction with an individual if the individual does not at the time of the trans-
30 action consent to the creation of the record described in subsection (1) of this section and produce
31 for inspection a valid driver license or other government-issued photo identification that belongs to
32 the individual.

33 (c) Conduct a transaction with an individual in which the scrap metal business pays the indi-
34 vidual other than by mailing a nontransferable check, made payable to the individual, for the
35 amount of the transaction to the address the individual provided under subsection (1)(a)(C)(iv) of this
36 section not earlier than three business days after the date of the transaction. The check must be
37 drawn on an account that the scrap metal business maintains with a financial institution, as defined
38 in ORS 706.008.

39 (d) Purchase metal property from a nonprofit corporation other than by mailing a
40 nontransferable check, made payable to the nonprofit corporation, for the amount of the purchase
41 price to the business address provided under subsection (3)(a)(B) of this section not earlier than
42 three business days after the date of the purchase. The check must be drawn on an account that the
43 scrap metal business maintains with a financial institution, as defined in ORS 706.008.

44 (e) Cash or release a check issued in payment for a transaction or for a purchase described in
45 paragraph (d) of this subsection other than as provided in this paragraph or paragraph (c) or (d) of

1 this subsection. If a check is returned as undelivered or undeliverable, the scrap metal business:

2 (A) Shall retain the check until the individual or nonprofit corporation to which the check was
 3 mailed provides a valid address in accordance with subsection (1)(a)(C)(iv) or (3)(a)(B) of this section.
 4 If after 30 days following the date of the transaction or the purchase described in paragraph (d) of
 5 this subsection the individual or nonprofit corporation fails to provide a valid address, the scrap
 6 metal business may cancel the check and the individual or nonprofit corporation shall forfeit to the
 7 scrap metal business the amount due as payment; or

8 (B) May release the check directly to the individual or nonprofit corporation with the written
 9 approval of a law enforcement agency having jurisdiction over the scrap metal business. The scrap
 10 metal business shall retain the written approval for one year following the date the approval is re-
 11 ceived.

12 (3) Before purchasing or receiving metal property from a commercial seller, a scrap metal busi-
 13 ness shall:

14 (a) Create and maintain a commercial account with the commercial seller. As part of the com-
 15 mercial account, the scrap metal business shall enter accurately, clearly and legibly in English onto
 16 a standardized printed form, or an electronic form that is securely stored and is capable of ready
 17 retrieval and printing, the following information:

18 (A) The full name of the commercial seller;

19 (B) The business address and telephone number of the commercial seller; and

20 (C) The full name of each employee, agent or other individual the commercial seller authorizes
 21 to deliver metal property to the scrap metal business.

22 (b) Record as part of the commercial account at the time the scrap metal business purchases
 23 or receives metal property from a commercial seller the following information:

24 (A) The time, date and location at which the commercial seller delivered the metal property for
 25 purchase or receipt;

26 (B) The monetary amount or other value of the metal property;

27 (C) A description of the type of metal property that constitutes the predominant part of the
 28 purchase or receipt; and

29 (D) The signature of the individual who delivered the metal property to the scrap metal busi-
 30 ness.

31 (4) A scrap metal business may require an individual from whom the business obtains metal
 32 property to provide the individual's thumbprint to the scrap metal business.

33 (5) A scrap metal business shall make all records and accounts required to be maintained under
 34 this section available to any peace officer on demand.

35 (6)(a) Violation of subsections (1) to (3) of this section is a specific fine violation **subject to a**
 36 **maximum fine of \$5,000**, and the presumptive fine for the violation is \$1,000.

37 (b) Notwithstanding paragraph (a) of this subsection, **violation of subsections (1) to (3) of this**
 38 **section is a specific fine violation subject to a maximum fine of \$25,000**, and the presumptive
 39 fine for [a] the violation [of a provision of subsections (1) to (3) of this section] is \$5,000, if the scrap
 40 metal business has at least three previous convictions for violations of a provision of subsections (1)
 41 to (3) of this section.

42 (7) The definitions in ORS 165.116 apply to this section.

43 **SECTION 14.** ORS 471.410 is amended to read:

44 471.410. (1) A person may not sell, give or otherwise make available any alcoholic liquor to any
 45 person who is visibly intoxicated.

1 (2) No one other than the person's parent or guardian may sell, give or otherwise make available
 2 any alcoholic liquor to a person under the age of 21 years. A parent or guardian may give or oth-
 3 erwise make alcoholic liquor available to a person under the age of 21 years only if the person is
 4 in a private residence and is accompanied by the parent or guardian. A person violates this sub-
 5 section who sells, gives or otherwise makes available alcoholic liquor to a person with the knowl-
 6 edge that the person to whom the liquor is made available will violate this subsection.

7 (3)(a) A person who exercises control over private real property may not knowingly allow any
 8 other person under the age of 21 years who is not a child or minor ward of the person to consume
 9 alcoholic liquor on the property, or allow any other person under the age of 21 years who is not a
 10 child or minor ward of the person to remain on the property if the person under the age of 21 years
 11 consumes alcoholic liquor on the property.

12 (b) This subsection:

13 (A) Applies only to a person who is present and in control of the location at the time the con-
 14 sumption occurs;

15 (B) Does not apply to the owner of rental property, or the agent of an owner of rental property,
 16 unless the consumption occurs in the individual unit in which the owner or agent resides; and

17 (C) Does not apply to a person who exercises control over a private residence if the liquor
 18 consumed by the person under the age of 21 years is supplied only by an accompanying parent or
 19 guardian.

20 (4) This section does not apply to sacramental wine given or provided as part of a religious rite
 21 or service.

22 (5) Except as provided in subsection (6) of this section, a person who violates subsection (1) or
 23 (2) of this section commits a Class A misdemeanor. Upon violation of subsection (2) of this section,
 24 the court shall impose at least a mandatory minimum sentence as follows:

25 (a) Upon a first conviction, a fine of at least \$500.

26 (b) Upon a second conviction, a fine of at least \$1,000.

27 (c) Upon a third or subsequent conviction, a fine of at least \$1,500 and not less than 30 days
 28 of imprisonment.

29 (6)(a) A person who violates subsection (2) of this section is subject to the provisions of this
 30 subsection if the person does not act knowingly or intentionally and:

31 (A) Is licensed or appointed under this chapter; or

32 (B) Is an employee of a person licensed or appointed under this chapter and holds a valid service
 33 permit or has attended a program approved by the Oregon Liquor Control Commission that provides
 34 training to avoid violations of this section.

35 (b) For a person described in paragraph (a) of this subsection:

36 (A) A first conviction is a Class A violation.

37 (B) A second conviction is a specific fine violation **subject to a maximum fine of \$5,000**, and
 38 the presumptive fine for the violation is [~~\$860~~] **\$1,000**.

39 (C) A third conviction is a Class A misdemeanor. The court shall impose a mandatory fine of
 40 not less than \$1,000.

41 (D) A fourth or subsequent conviction is a Class A misdemeanor. The court shall impose a
 42 mandatory fine of not less than \$1,000 and a mandatory sentence of not less than 30 days of
 43 imprisonment.

44 (7) The court may waive an amount that is at least \$200 but not more than one-third of the fine
 45 imposed under subsection (5) of this section, if the violator performs at least 30 hours of community

1 service.

2 (8) Except as provided in subsection (7) of this section, the court may not waive or suspend
 3 imposition or execution of the mandatory minimum sentence required by subsection (5) or (6) of this
 4 section. In addition to the mandatory sentence, the court may require the violator to make
 5 restitution for any damages to property where the alcoholic liquor was illegally consumed or may
 6 require participation in volunteer service to a community service agency.

7 (9)(a) Except as provided in paragraph (b) of this subsection, a person who violates subsection
 8 (3) of this section commits a Class A violation.

9 (b) A second or subsequent violation of subsection (3) of this section is a specific fine violation
 10 **subject to a maximum fine of \$5,000**, and the presumptive fine for the violation is \$1,000.

11 (10) Nothing in this section prohibits any licensee under this chapter from allowing a person
 12 who is visibly intoxicated from remaining on the licensed premises so long as the person is not sold
 13 or served any alcoholic liquor.

14 **SECTION 15.** ORS 475.860 is amended to read:

15 475.860. (1) It is unlawful for any person to deliver marijuana.

16 (2) Unlawful delivery of marijuana is a:

17 (a) Class B felony if the delivery is for consideration.

18 (b) Class C felony if the delivery is for no consideration.

19 (3) Notwithstanding subsection (2) of this section, unlawful delivery of marijuana is a:

20 (a) Class A misdemeanor, if the delivery is for no consideration and consists of less than one
 21 avoirdupois ounce of the dried leaves, stems and flowers of the plant Cannabis family Moraceae; or

22 (b) Violation, if the delivery is for no consideration and consists of less than five grams of the
 23 dried leaves, stems and flowers of the plant Cannabis family Moraceae. A violation under this par-
 24 agraph is a specific fine violation **and is subject to a maximum fine of \$5,000**. The presumptive
 25 fine for a violation under this paragraph is \$650.

26 (4) Notwithstanding subsections (2) and (3) of this section, unlawful delivery of marijuana is a:

27 (a) Class A felony, if the delivery is to a person under 18 years of age and the defendant is at
 28 least 18 years of age and is at least three years older than the person to whom the marijuana is
 29 delivered; or

30 (b) Class C misdemeanor, if the delivery:

31 (A) Is for no consideration;

32 (B) Consists of less than five grams of the dried leaves, stems and flowers of the plant Cannabis
 33 family Moraceae;

34 (C) Takes place in a public place, as defined in ORS 161.015, that is within 1,000 feet of the real
 35 property comprising a public or private elementary, secondary or career school attended primarily
 36 by minors; and

37 (D) Is to a person who is 18 years of age or older.

38 **SECTION 16.** ORS 475.864 is amended to read:

39 475.864. (1) It is unlawful for any person knowingly or intentionally to possess marijuana.

40 (2) Unlawful possession of marijuana is a Class B felony.

41 (3) Notwithstanding subsection (2) of this section, unlawful possession of marijuana is a violation
 42 if the amount possessed is less than one avoirdupois ounce of the dried leaves, stems and flowers
 43 of the plant Cannabis family Moraceae. A violation under this subsection is a specific fine violation
 44 **and is subject to a maximum fine of \$5,000**. The presumptive fine for a violation under this sub-
 45 section is \$650.

1 (4) Notwithstanding subsections (2) and (3) of this section, unlawful possession of marijuana is
 2 a Class C misdemeanor if the amount possessed is less than one avoirdupois ounce of the dried
 3 leaves, stems and flowers of the plant Cannabis family Moraceae and the possession takes place in
 4 a public place, as defined in ORS 161.015, that is within 1,000 feet of the real property comprising
 5 a public or private elementary, secondary or career school attended primarily by minors.

6 **SECTION 17.** ORS 811.109 is amended to read:

7 811.109. (1) Violation of a specific speed limit imposed under law or of a posted speed limit is
 8 punishable as follows:

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

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

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

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

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

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

17 (b) The person is exceeding the speed limit by more than 10 miles per hour but not more than
 18 20 miles per hour, the offense is a Class B traffic violation.

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

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

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

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

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

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

27 (4) In addition to a fine imposed under subsection (1), (2) or (3) of this section, a court may order
 28 a suspension of driving privileges for up to 30 days if a person exceeds a speed limit or designated
 29 speed by more than 30 miles per hour and the person has received at least one prior conviction
 30 under ORS 811.100 or 811.111 within 12 months of the date of the current offense.

31 (5) Notwithstanding subsections (1) to (3) of this section, if a person drives 100 miles per hour
 32 or greater when the person commits a violation described in this section, the person commits a
 33 specific fine traffic violation **and is subject to a maximum fine of \$5,000**. The presumptive fine for
 34 a violation under this subsection is \$1,150, and upon conviction the court shall order a suspension
 35 of driving privileges for not less than 30 days nor more than 90 days.

36 (6) When a court orders a suspension under subsection (4) or (5) of this section, the court shall
 37 prepare and send to the Department of Transportation an order of suspension of driving privileges
 38 of the person. Upon receipt of an order under this subsection, the department shall take action as
 39 directed under ORS 809.280.

40 **SECTION 18.** ORS 811.590 is amended to read:

41 811.590. (1) A person commits the offense of unlawful parking in a winter recreation parking
 42 area if the person parks a vehicle in a location designated as a winter recreation parking area under
 43 ORS 810.170 at any time from November 1 of any year to April 30 of the next year and the vehicle
 44 is not displaying a winter recreation parking permit issued under ORS 811.595.

45 (2) Unless the police officer issuing the citation witnesses the parking of the vehicle, a

1 rebuttable presumption exists that a vehicle parked in violation of this section was parked by the
 2 registered owner of the vehicle. If the parking of the vehicle is witnessed by the police officer, the
 3 operator of the vehicle is in violation of this section.

4 (3) In addition to those vehicles displaying a winter recreation parking permit, the following
 5 vehicles are not subject to the prohibition or penalty under this section:

6 (a) A vehicle owned and operated by the United States, another state or a political subdivision
 7 thereof.

8 (b) A vehicle owned and operated by this state or by any city, district or political subdivision
 9 thereof.

10 (c) A vehicle owned by a resident of another state if the vehicle displays a winter area parking
 11 permit issued in accordance with the laws of the state in which the owner of the vehicle resides and
 12 that is similar to the winter recreation parking permit issued under ORS 811.595. The exemption
 13 under this paragraph is only granted to the extent that a similar exemption or privilege is granted
 14 under the laws of the other state for vehicles displaying a winter recreation parking permit issued
 15 under ORS 811.595.

16 (4) The offense described in this section, unlawful parking in a winter recreation parking area,
 17 is a specific fine traffic violation **and is subject to a maximum fine of \$100**. The presumptive fine
 18 for unlawful parking in a winter recreation parking area is \$30.

19 **SECTION 19.** ORS 813.095 is amended to read:

20 813.095. (1) A person commits the offense of refusal to take a test for intoxicants if the person
 21 refuses to:

22 (a) Take a breath test when requested to do so in accordance with the provisions of ORS
 23 813.100; or

24 (b) Take a urine test when requested to do so in accordance with the provisions of ORS 813.131
 25 and 813.132.

26 (2) The offense described in this section, refusal to take a test for intoxicants, is a specific fine
 27 traffic violation **and is subject to a maximum fine of \$5,000**. The presumptive fine for refusal to
 28 take a test for intoxicants is \$650. The fine described in this section is in addition to any other
 29 consequence prescribed by law for refusal to take a test for intoxicants.

30 **SECTION 20.** ORS 814.485 is amended to read:

31 814.485. (1) A person commits the offense of failure of a bicycle operator or rider to wear pro-
 32 tective headgear if the person is under 16 years of age, operates or rides on a bicycle on a highway
 33 or on premises open to the public and is not wearing protective headgear of a type approved under
 34 ORS 815.052.

35 (2) Exemptions from this section are as provided in ORS 814.487.

36 (3) The offense described in this section, failure of a bicycle operator or rider to wear protective
 37 headgear, is a specific fine traffic violation **and is subject to a maximum fine of \$100**. The
 38 presumptive fine for failure of a bicycle operator or rider to wear protective headgear is \$25.

39 **SECTION 21.** ORS 814.486 is amended to read:

40 814.486. (1) A person commits the offense of endangering a bicycle operator or passenger if:

41 (a) The person is operating a bicycle on a highway or on premises open to the public and the
 42 person carries another person on the bicycle who is under 16 years of age and is not wearing pro-
 43 tective headgear of a type approved under ORS 815.052; or

44 (b) The person is the parent, legal guardian or person with legal responsibility for the safety
 45 and welfare of a child under 16 years of age and the child operates or rides on a bicycle on a

1 highway or on premises open to the public without wearing protective headgear of a type approved
 2 under ORS 815.052.

3 (2) Exemptions from this section are as provided in ORS 814.487.

4 (3) The offense described in this section, endangering a bicycle operator or passenger, is a spe-
 5 cific fine traffic violation **and is subject to a maximum fine of \$100**. The presumptive fine for
 6 endangering a bicycle operator or passenger is \$25.

7 **SECTION 22.** ORS 814.534 is amended to read:

8 814.534. (1) A person commits the offense of failure of a motor assisted scooter operator to wear
 9 protective headgear if the person operates a motor assisted scooter on a highway or on premises
 10 open to the public and is not wearing protective headgear of a type approved under ORS 815.052.

11 (2) A person is exempt from the protective headgear requirement of subsection (1) of this section
 12 if wearing the headgear would violate a religious belief or practice of the person.

13 (3) The first time a person is convicted of an offense under this section, the person may not be
 14 required to pay a fine if the person proves to the satisfaction of the court that the person has pro-
 15 tective headgear of a type approved under ORS 815.052.

16 (4) The offense described in this section, failure of a motor assisted scooter operator to wear
 17 protective headgear, is a specific fine traffic violation **and is subject to a maximum fine of \$100**.
 18 The presumptive fine for failure of a motor assisted scooter operator to wear protective headgear
 19 is \$25.

20 **SECTION 23.** ORS 814.536 is amended to read:

21 814.536. (1) A person commits the offense of endangering a motor assisted scooter operator if the
 22 person is the parent, legal guardian or person with legal responsibility for the safety and welfare
 23 of a child under 16 years of age and authorizes or knowingly permits the child to operate a motor
 24 assisted scooter in violation of ORS 814.512 (1)(a).

25 (2) The offense described in this section, endangering a motor assisted scooter operator, is a
 26 specific fine traffic violation **and is subject to a maximum fine of \$100**. The presumptive fine for
 27 endangering a motor assisted scooter operator is \$25.

28 **SECTION 24.** ORS 814.600 is amended to read:

29 814.600. (1) A person commits the offense of failure of a skateboarder, scooter rider or in-line
 30 skater to wear protective headgear if the person is under 16 years of age, rides on a skateboard or
 31 scooter or uses in-line skates on a highway or on premises open to the public and is not wearing
 32 protective headgear of a type approved under ORS 815.052.

33 (2) The offense described in this section, failure of a skateboarder, scooter rider or in-line skater
 34 to wear protective headgear, is a specific fine traffic violation punishable by a maximum fine of
 35 [~~\$25~~] **\$100**. The presumptive fine for failure of a skateboarder, scooter rider or in-line skater to wear
 36 protective headgear is \$25.

37 **SECTION 25.** ORS 818.430 is amended to read:

38 818.430. This section establishes schedules of presumptive fines for violations of maximum
 39 weight requirements under the vehicle code. The particular schedule applicable is the schedule
 40 designated in the section establishing the offense. Upon conviction, a person is punishable by a fine
 41 and other penalty established in the schedule. Fines are based upon the excess weight by which any
 42 loaded weight exceeds the applicable loaded weight authorized in the provision, permit, order or
 43 resolution the person violates. **The maximum fines under this section are the same as the**
 44 **presumptive fines.** The schedules are as follows:

45 (1) The presumptive fines under Schedule I are as provided in this subsection. If the excess

1 weight is:

2 (a) One thousand pounds or less, the presumptive fine is \$100.

3 (b) More than 1,000 pounds, but not in excess of 2,000 pounds, the presumptive fine is \$150.

4 (c) More than 2,000 pounds, but not in excess of 3,000 pounds, the presumptive fine is \$200.

5 (d) More than 3,000 pounds, but not in excess of 5,000 pounds, the presumptive fine is \$300.

6 (e) More than 5,000 pounds, but not in excess of 7,500 pounds, the presumptive fine is an amount
7 equal to 15 cents per pound for each pound of the excess weight.

8 (f) More than 7,500 pounds, but not in excess of 10,000 pounds, the presumptive fine is an
9 amount equal to 16 cents per pound for each pound of the excess weight.

10 (g) More than 10,000 pounds, but not in excess of 12,500 pounds, the presumptive fine is an
11 amount equal to 20 cents for each pound of the excess weight.

12 (h) More than 12,500 pounds over the allowable weight, the presumptive fine is an amount equal
13 to 24 cents per pound for each pound of excess weight.

14 (2) The presumptive fines under Schedule II are as provided in this subsection. If the excess
15 weight is:

16 (a) One hundred pounds, but not in excess of 5,000 pounds, the presumptive fine is an amount
17 equal to \$200 plus 10 cents per pound of the excess weight.

18 (b) More than 5,000 pounds, but not in excess of 10,000 pounds, the presumptive fine is an
19 amount equal to \$350 plus 15 cents per pound of the excess weight.

20 (c) More than 10,000 pounds, the presumptive fine is an amount equal to \$600 plus 30 cents per
21 pound of the excess weight.

22 (3) Notwithstanding ORS 153.021, the fine imposed under subsection (2) of this section [*shall*
23 *be*] **is** not more than \$100 if a person charged with an offense punishable under Schedule II produces
24 in court a second valid variance permit issued under ORS 818.200 authorizing a loaded weight equal
25 to or greater than the actual loaded weight of the vehicle, combination of vehicles, axle, tandem
26 axles or group of axles upon which the citation was based.

27 (4) The penalties under Schedule III are as provided in this subsection and are in addition to
28 any suspension of operator's license under ORS 809.120 or any suspension of vehicle registration
29 under ORS 809.120. If the excess weight is:

30 (a) One hundred pounds, but not in excess of 5,000 pounds, the presumptive fine [*shall be*] **is** \$200
31 plus 15 cents per pound for each pound of the excess weight.

32 (b) More than 5,000 pounds but not in excess of 10,000 pounds, the presumptive fine [*shall be*]
33 **is** \$350 plus 20 cents per pound for each pound of excess weight.

34 (c) More than 10,000 pounds, [*the operator commits a Class C misdemeanor*] **the presumptive**
35 **fine is \$500, plus 30 cents per pound for each pound of excess weight.**

36 **SECTION 26.** ORS 830.990 is amended to read:

37 830.990. (1)(a) Violation of ORS 830.565 by a person operating a manually propelled boat is a
38 [*Class D*] **specific fine violation and is subject to a maximum fine of \$100.** [*Notwithstanding ORS*
39 *153.019,*] The presumptive fine for a violation of ORS 830.565 is \$30.

40 (b) Violation of ORS 830.565 by a person operating a motorboat is [*punishable as a Class D*] **a**
41 **specific fine violation and is subject to a maximum fine of \$200.** Notwithstanding ORS 153.019,
42 the presumptive fine for a violation of ORS 830.565 is \$50.

43 (2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094, 830.230, 830.415,
44 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855, or rules adopted to carry out the pur-
45 poses of those statutes, commits a Class D violation.

1 (3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375, 830.475 (4), 830.480,
2 830.785, 830.805 or 830.825, or rules adopted to carry out the purposes of those statutes, commits a
3 Class C violation.

4 (4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.195, 830.210, 830.215,
5 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335, 830.340, 830.345, 830.350, 830.355,
6 830.360, 830.362, 830.365, 830.370, 830.410, 830.420, 830.495, 830.560, 830.775, 830.795 or 830.830, or
7 rules adopted to carry out the purposes of those statutes, commits a Class B violation.

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

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

11 (7) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325, 830.475 (1), 830.730 or
12 830.955 (1) commits a Class A misdemeanor.

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

14 **SECTION 27. The amendments to ORS 818.430 by section 25 of this 2012 Act apply only**
15 **to offenses that are committed on or after the effective date of this 2012 Act.**

16
17 **DISTRIBUTIONS FROM CRIMINAL FINE ACCOUNT**

18
19 **SECTION 28.** ORS 137.300 is amended to read:

20 137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise
21 provided by law, all amounts collected in state courts as monetary obligations in criminal actions
22 shall be deposited by the courts in the account. All moneys in the account are continuously appro-
23 priated to the Department of Revenue to be distributed by the Department of Revenue as provided
24 in this section. The Department of Revenue shall keep a record of moneys transferred into and out
25 of the account.

26 (2) The Legislative Assembly shall first allocate moneys from the Criminal Fine Account for the
27 following purposes, in the following order of priority:

28 (a) Allocations for public safety standards, training and facilities.

29 (b) Allocations for criminal injuries compensation and assistance to victims of crime and chil-
30 dren reasonably suspected of being victims of crime.

31 (c) Allocations for the forensic services provided by the Oregon State Police, including, but not
32 limited to, services of the State Medical Examiner.

33 (d) Allocations for the maintenance and operation of the Law Enforcement Data System.

34 (3) After making allocations under subsection (2) of this section, the Legislative Assembly shall
35 allocate moneys from the Criminal Fine Account for the following purposes:

36 (a) Allocations to the Law Enforcement Medical Liability Account established under ORS
37 414.815.

38 (b) Allocations to the State Court Facilities and Security Account established under ORS 1.178.

39 (c) Allocations to the Department of Corrections for community corrections grants under ORS
40 423.520.

41 (d) Allocations to the Oregon Health Authority for the purpose of grants under ORS 430.345 for
42 the establishment, operation and maintenance of alcohol and drug abuse prevention, early inter-
43 vention and treatment services provided through a county.

44 (e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws relat-
45 ing to driving under the influence of intoxicants.

1 (f) Allocations to the Arrest and Return Account established under ORS 133.865.

2 (g) Allocations to the Intoxicated Driver Program Fund established under ORS 813.270.

3 (4) It is the intent of the Legislative Assembly that allocations from the Criminal Fine Account
4 under subsection (3) of this section be consistent with historical funding of the entities, programs
5 and accounts listed in subsection (3) of this section from monetary obligations imposed in criminal
6 proceedings.

7 (5) Moneys in the Criminal Fine Account may not be allocated for the payment of debt service
8 obligations.

9 (6) The Department of Revenue shall deposit in the General Fund all moneys remaining in the
10 Criminal Fine Account after the distributions listed in subsections (2) and (3) of this section have
11 been made.

12 (7) The Department of Revenue shall establish by rule a process for distributing moneys in the
13 Criminal Fine Account. **The department may not distribute more than one-eighth of the total
14 biennial allocation to an entity during a calendar quarter.**

15
16 **CAPTIONS**

17
18 **SECTION 29. The unit captions used in this 2012 Act are provided only for the conven-
19 ience of the reader and do not become part of the statutory law of this state or express any
20 legislative intent in the enactment of this 2012 Act.**

21
22 **EMERGENCY CLAUSE**

23
24 **SECTION 30. This 2012 Act being necessary for the immediate preservation of the public
25 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
26 on its passage.**

27 _____