

**Testimony of Hon. Jad Lemhouse,  
Justice of the Peace,  
Regarding HB 2857, April 10, 2013**

**Exhibit List:**

1. Shrinking the Pie – Increasing the Bite (Table & Chart)
2. The Problem/The Priority Premium (Text, Charts & Tables)
3. Justice Court Revenue 1999 – 2013 (to 2/28/13) (Chart & Tables)
4. Cascade Locks Justice Court (Hood River County) Revenue 2000 through 2013 (to 2/28/13)  
(Chart & Tables)
5. Jackson County (Justice Court) Revenue 2005 through 2013 (to 2/28/13) (Chart & Tables)
6. Tillamook Justice Court Revenue 2004 to 2013 (to 2/28/13) (Chart & Tables)
7. Linn County Justice Court Revenue 2000 through 2013 (to 2/28/13) (Chart & Tables)
8. Springfield Municipal Court Revenue 1990 through 2013 (to 2/28/13)
9. The County Assessment
10. Local Court Payments to State ('95 Biennium – '13 Biennium) (Chart & Table)
11.
  - a) Filings Data (Tables)
  - b) The Hermiston Memoranda
  - c) Selected Statutes:  
Statute repealed by HB 2712: ORS 153.630  
Statutes enacted by HB 2712: ORS 137.289, 137.292, 137.294, 137.295, 137.296, 137.297,  
and Note, 153,108, 153.019, 153.020, 153.021, 153.633, 153.640,  
Other statutes: ORS 153.061



SHRINKING THE PIE - INCREASING THE BITE

Or

How HB 2712 Changed the Fine Structure,  
Reduced Revenue to Local Governments,  
But Increased Revenue to the State of Oregon

SHERIFF'S CITATIONS TO JUSTICE COURT

Offense Class	Before HB 2712			After HB 2712		
	The Pie (The Fine)	The Bite (The State's Priority Pmt.)	Priority Payment as a % of the Fine	The Pie (The Fine)	The Bite (The State's Priority Pmt.)	Priority Payment as a % of the Fine
Class D	\$142	\$37	26%	\$110	\$60	54.5%
Class C	\$190	\$37	19.5%	\$160	\$60	37.5%
Class B	\$287	\$37	12.9%	\$260	\$60	23.1%
Class A	472	\$37	7.8%	\$435	\$60	13.8%

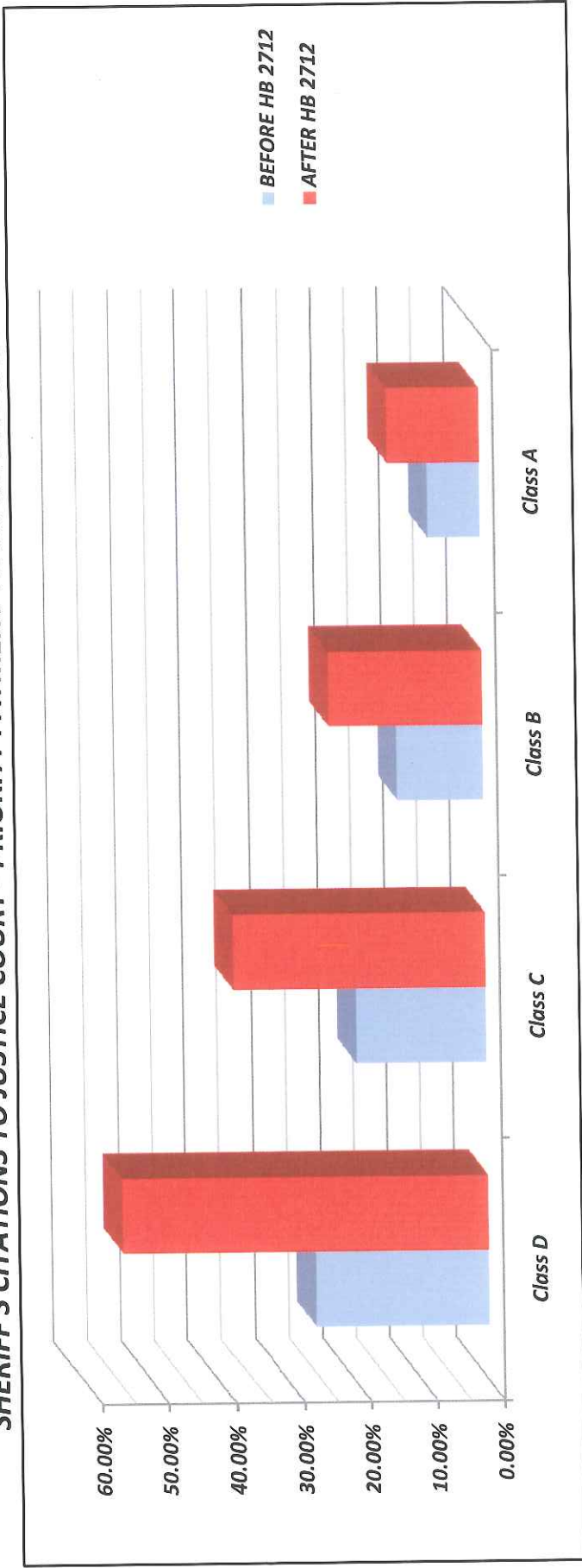
STATE OFFICER CITATIONS TO JUSTICE COURT

Offense Class	Before HB 2712			After HB 2712		
	The Pie (The Fine)	The Bite (The State's Priority Pmt.)	Priority Payment as a % of the Fine	The Pie (The Fine)	The Bite (The State's Priority Pmt.)	Priority Payment as a % of the Fine
Class D	\$142	\$37	26%	\$110	\$85	77.3%
Class C	\$190	\$37	19.5%	\$160	\$110	68.7%
Class B	\$287	\$37	12.9%	\$260	\$160	61.5%
Class A	472	\$37	7.8%	\$435	\$247.50	56.9%

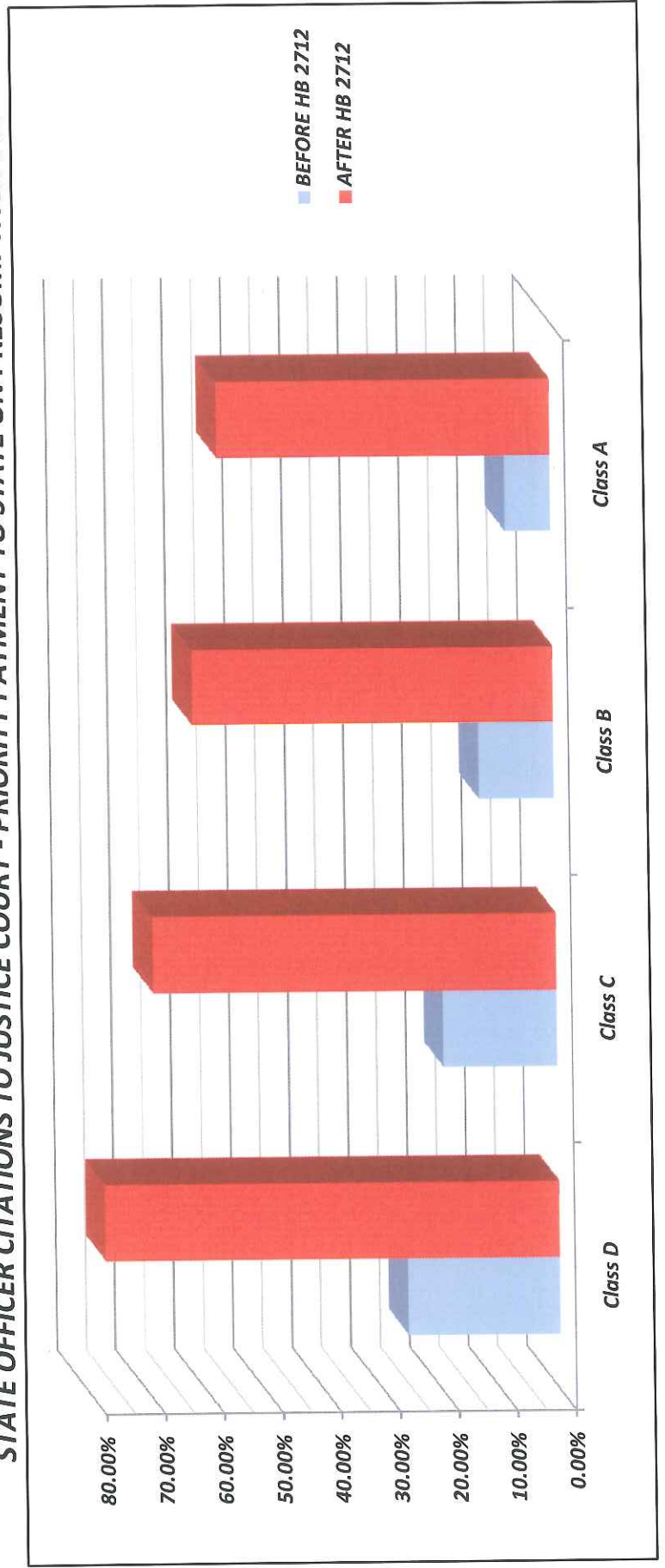
Local Governments do not receive any court revenue until the State's Priority Payment is paid in full. HB 2712 converted *any* payment to the State into a Priority Payment.



### SHERIFF'S CITATIONS TO JUSTICE COURT - PRIORITY PAYMENT TO STATE ON PRESUMPTIVE FINE



### STATE OFFICER CITATIONS TO JUSTICE COURT - PRIORITY PAYMENT TO STATE ON PRESUMPTIVE FINE





## THE PROBLEM

- The Presumptive Fine and Minimum Fine effectively set the range of the fine that may be imposed on a traffic offense conviction (to impose a greater fine, a court must hold a hearing).
- The \$60 State levy essentially “swallows” the fine on most convictions because it is such a high proportion of the fine. The \$60 levy is;
  - 100% of the minimum fine for a Class D violation,
  - 75% of the minimum fine for a Class C violation,
  - 46% of the minimum fine for a Class B violation,
  - 27% of the minimum fine for a Class A violation.
  - 54.5% of the presumptive fine for a Class D violation,
  - 37.5% of the presumptive fine for a Class C violation,
  - 23% of the presumptive fine for a Class B violation,
  - 14% of the presumptive fine for a Class A violation.
- The State will skim from 37.5% to 75% of money paid before the local government gets anything from the most common local court offense (the Class C violation),.
- The present fine structure is thus loaded against local government in favor of generating revenue to the State.
- Local court funds are paid to the Criminal Fine Account (CFA); about 60% of CFA funds are paid directly to the State General Fund.
- The present \$60 State levy actually has a much higher value because of priority status—it must be paid first—and thus has a “priority premium.”

## WHAT LOCAL COURTS DO

- Local courts adjudicate most of the misdemeanor crimes and violation offenses that are filed in courts in Oregon (except for Multnomah, Josephine and one or two other counties).
- Local courts have a huge impact upon public safety and the quality of life in nearly all of Oregon’s communities.
- Local governments pay for all activities associated with citation, arrest, prosecution, trial, sentencing, probation, incarceration and judgment enforcement in Local Courts and they pay for the operation of local courts, too.





## THE PRIORITY PREMIUM:

### How Priority Status Inflates Court Revenue Distributions to the State.

Present law requires that any money collected on a criminal action judgment must first be applied to satisfy all State obligations before any money is applied to local government obligations. See, ORS 153.633 to 153.650. Because so many judgments are only partially paid, this priority scheme heavily loads the distribution of revenue in favor of the State. The table below illustrates the Priority Premium.

<b>COMPARISON OF AMOUNTS &amp; DISTRIBUTIONS MADE TO THE STATE OF OREGON AND LINN COUNTY FOR UNITARY ASSESSMENT AND OFFENSE SURCHARGE ON VIOLATION OFFENSES JANUARY 1, 2010 thru DECEMBER 31, 2011 BY THE LINN COUNTY JUSTICE COURT</b>		
	<b>Unitary Assessment</b>	<b>Offense Surcharge</b>
Amount	\$37.00	\$45.00
Total Distributed	\$226,430.00	\$227,021.00
Value of Single \$1	\$6,119.73	\$5,044.91
Difference	\$1,164.64	
Premium	23%	
Premium Value	\$1.23	\$1.00

During the 24-month period, 1/1/10 – 12/31/12, the \$37 Unitary Assessment paid almost as much to the State of Oregon as did the \$45 Offense Surcharge. Every \$1 of the \$37 Unitary Assessment was worth more to the State—23% more—than every \$1 of the \$45 Offense Surcharge was to Linn County. The Unitary Assessment was repealed, but the priority premium now applies to all distributions to the State.

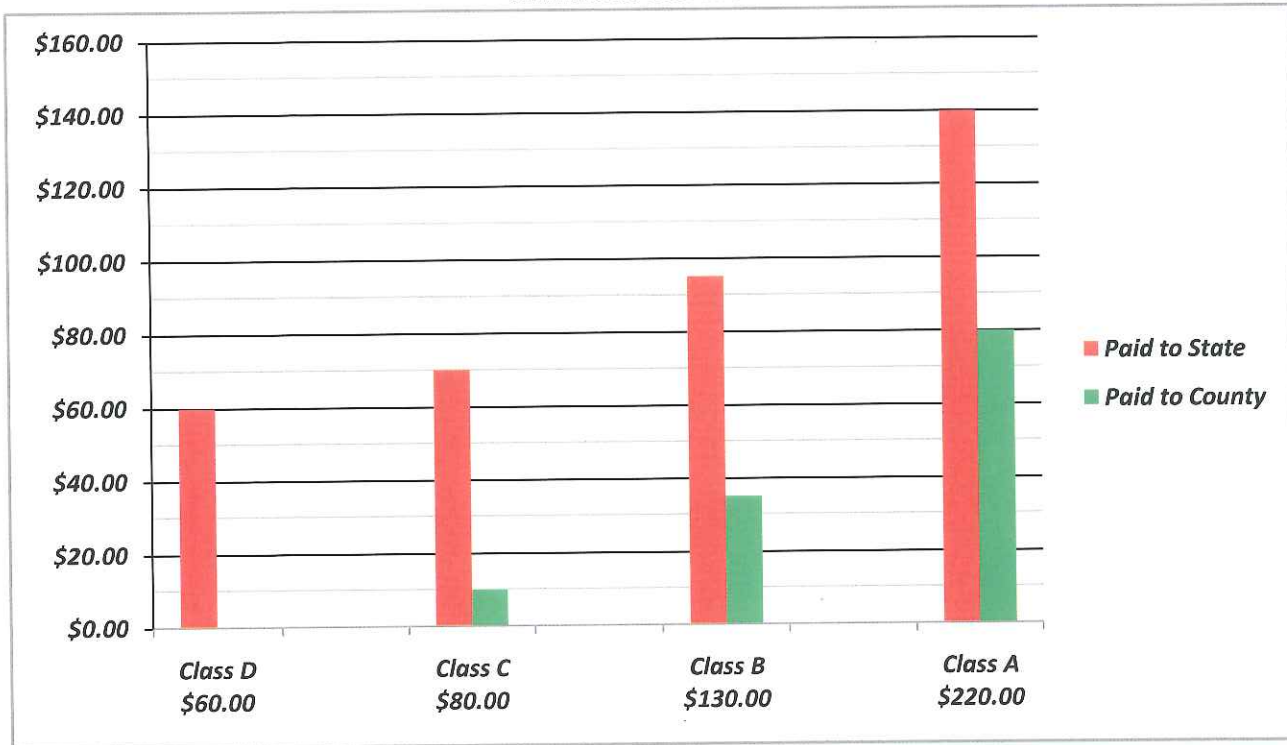
The \$60 State levy imposed on all criminal action convictions, ORS 153.633, now has the benefit of the Priority Premium. Thus that \$60 State levy is worth about \$74. In effect, the Priority Premium for the State is a priority penalty for local governments. That priority payment is paid at the expense of the local government operating the justice court or municipal court.

The Priority Premium for State distributions results in a priority penalty for local governments because the local government paying the cost of operating the justice court or municipal court does not receive any revenue until the State distribution is fully paid.

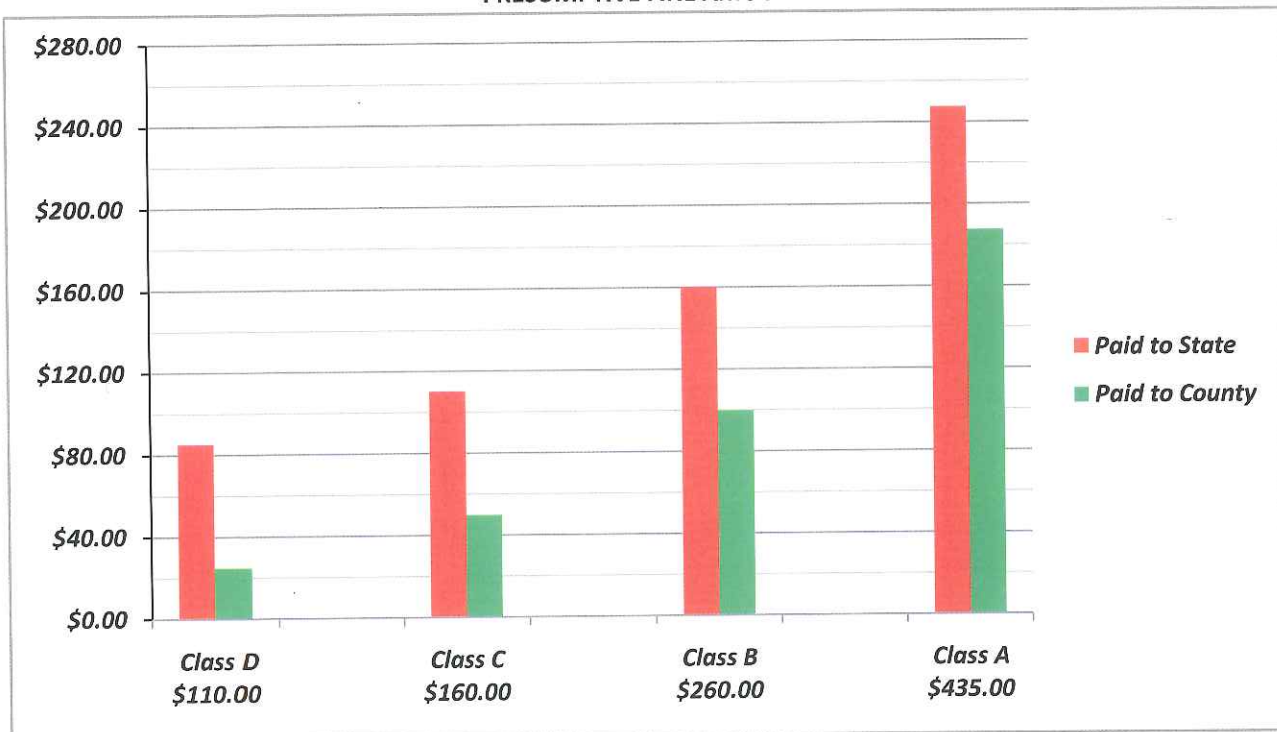


# OREGON STATE POLICE CITATIONS FILED IN JUSTICE COURT

## MINIMUM FINE AMOUNT



## PRESUMPTIVE FINE AMOUNT





## OREGON STATE POLICE CITATIONS

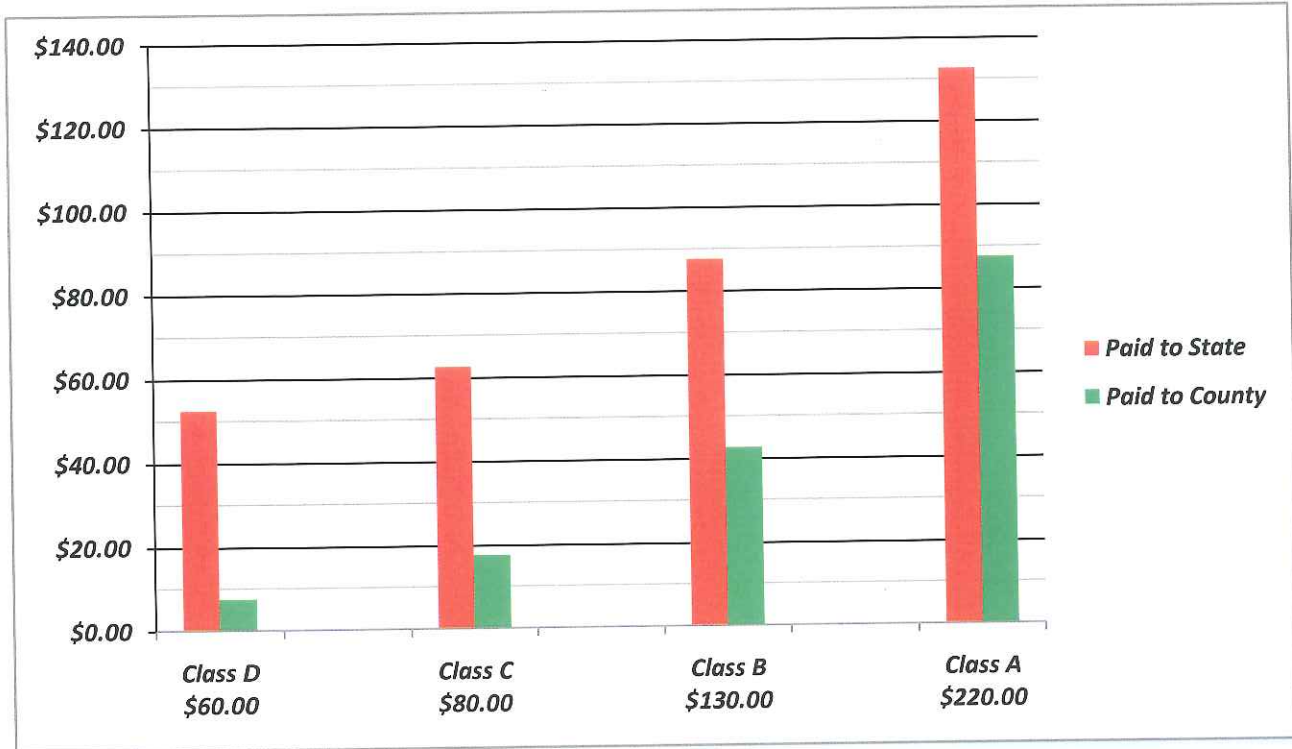
MINIMUM FINE			
	Paid to State	Paid to County	Fine Amount
Class D \$60.00	\$60.00	\$0.00	\$60.00
Class C \$80.00	\$70.00	\$10.00	\$80.00
Class B \$130.00	\$95.00	\$35.00	\$130.00
Class A \$220.00	\$140.00	\$80.00	\$220.00

PRESUMPTIVE FINE			
	Paid to State	Paid to County	Fine Amount
Class D \$110.00	\$85.00	\$25.00	\$110.00
Class C \$160.00	\$110.00	\$50.00	\$160.00
Class B \$260.00	\$160.00	\$100.00	\$260.00
Class A \$435.00	\$247.50	\$187.50	\$435.00

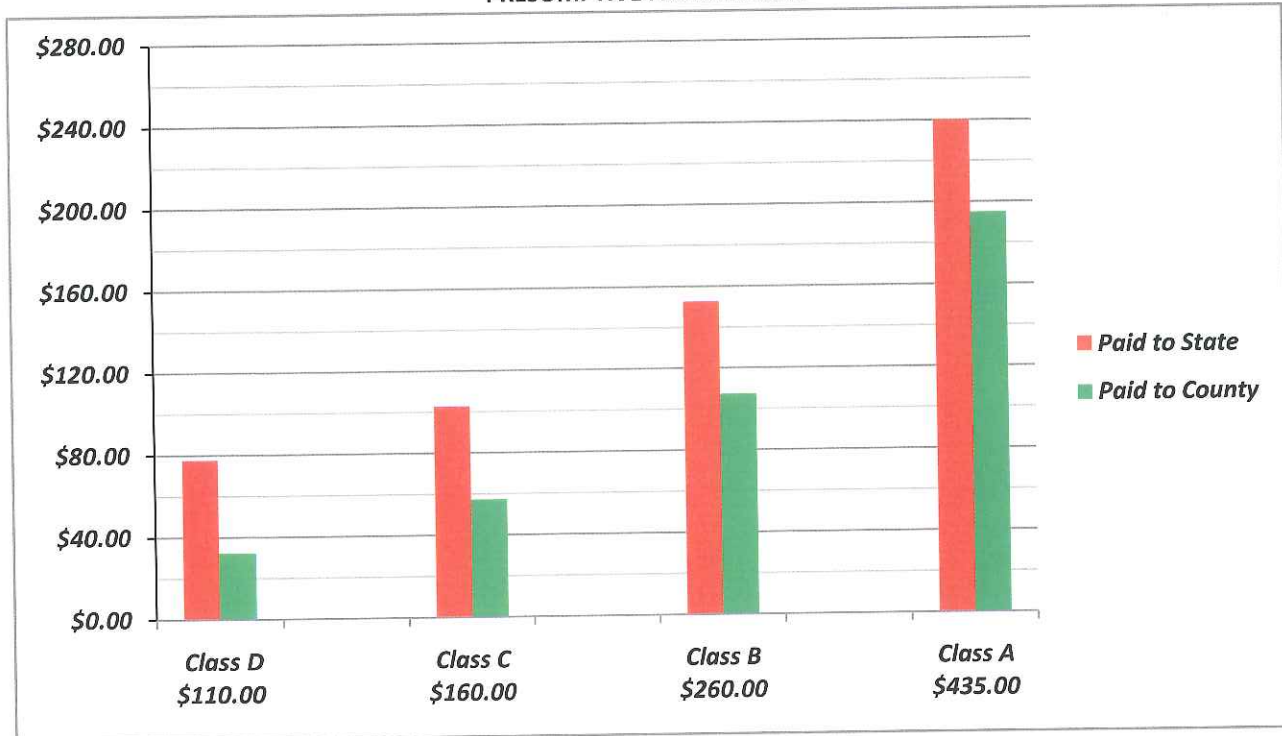


# OREGON STATE POLICE CITATIONS FILED IN JUSTICE COURT HB 2857

## MINIMUM FINE AMOUNT



## PRESUMPTIVE FINE AMOUNT







## OREGON STATE POLICE CITATIONS - HB 2857

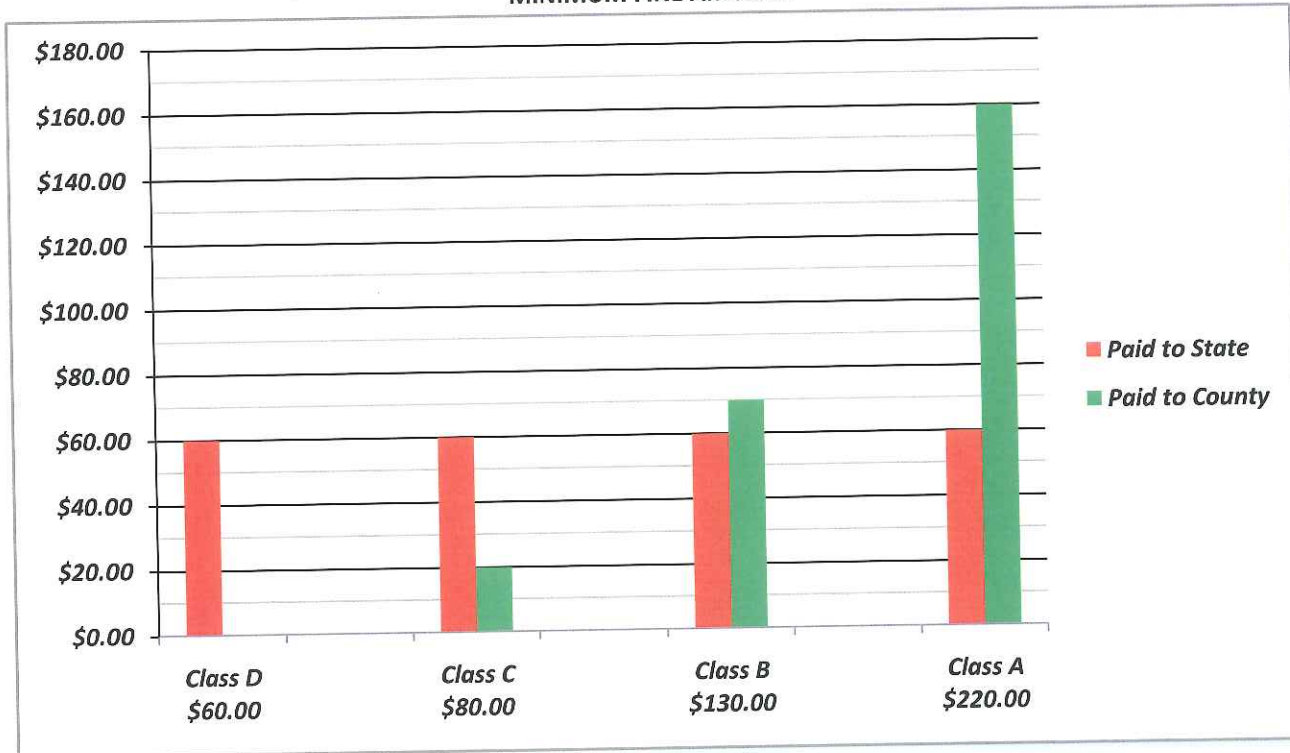
MINIMUM FINE			
	Paid to State	Paid to County	Fine Amount
Class D \$60.00	\$52.50	\$7.50	\$60.00
Class C \$80.00	\$62.50	\$17.50	\$80.00
Class B \$130.00	\$87.50	\$42.50	\$130.00
Class A \$220.00	\$132.50	\$87.50	\$220.00

PRESUMPTIVE FINE			
	Paid to State	Paid to County	Fine Amount
Class D \$110.00	\$77.50	\$32.50	\$110.00
Class C \$160.00	\$102.50	\$57.50	\$160.00
Class B \$260.00	\$152.50	\$107.50	\$260.00
Class A \$435.00	\$240.00	\$195.00	\$435.00

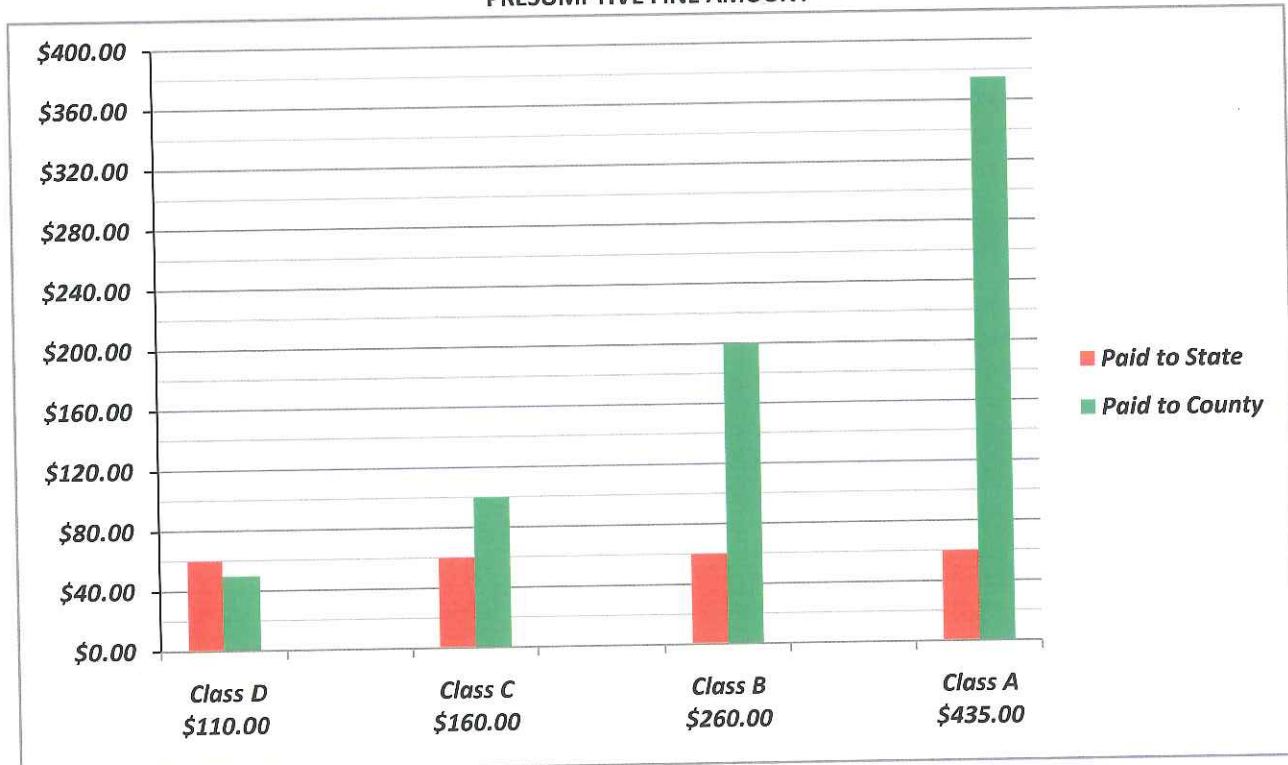


# SHERIFF CITATIONS FILED IN JUSTICE COURT

## MINIMUM FINE AMOUNT



## PRESUMPTIVE FINE AMOUNT





## SHERIFF CITATIONS FILED IN JUSTICE COURT

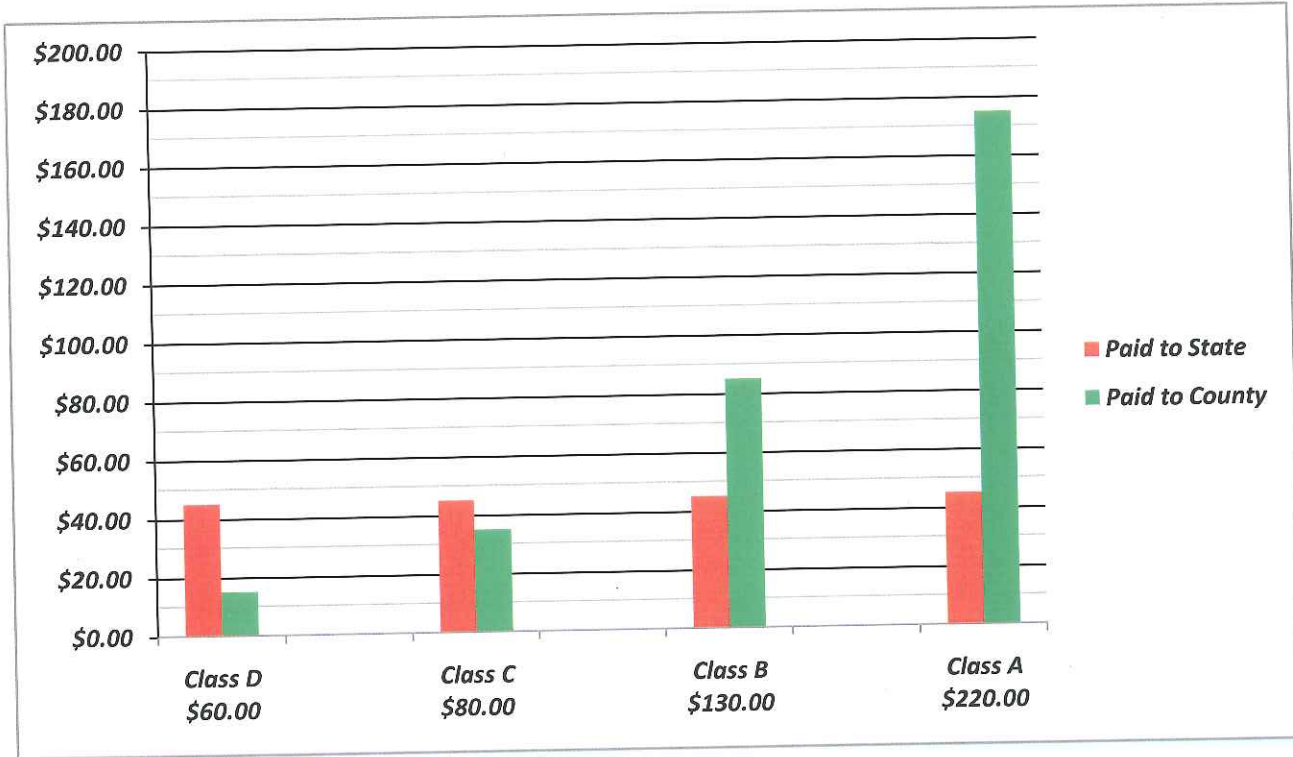
MINIMUM FINE			
	Paid to State	Paid to County	Fine Amount
Class D \$60.00	\$60.00	\$0.00	\$60.00
Class C \$80.00	\$60.00	\$20.00	\$80.00
Class B \$130.00	\$60.00	\$70.00	\$130.00
Class A \$220.00	\$60.00	\$160.00	\$220.00

PRESUMPTIVE FINE			
	Paid to State	Paid to County	Fine Amount
Class D \$110.00	\$60.00	\$50.00	\$110.00
Class C \$160.00	\$60.00	\$100.00	\$160.00
Class B \$260.00	\$60.00	\$200.00	\$260.00
Class A \$435.00	\$60.00	\$375.00	\$435.00

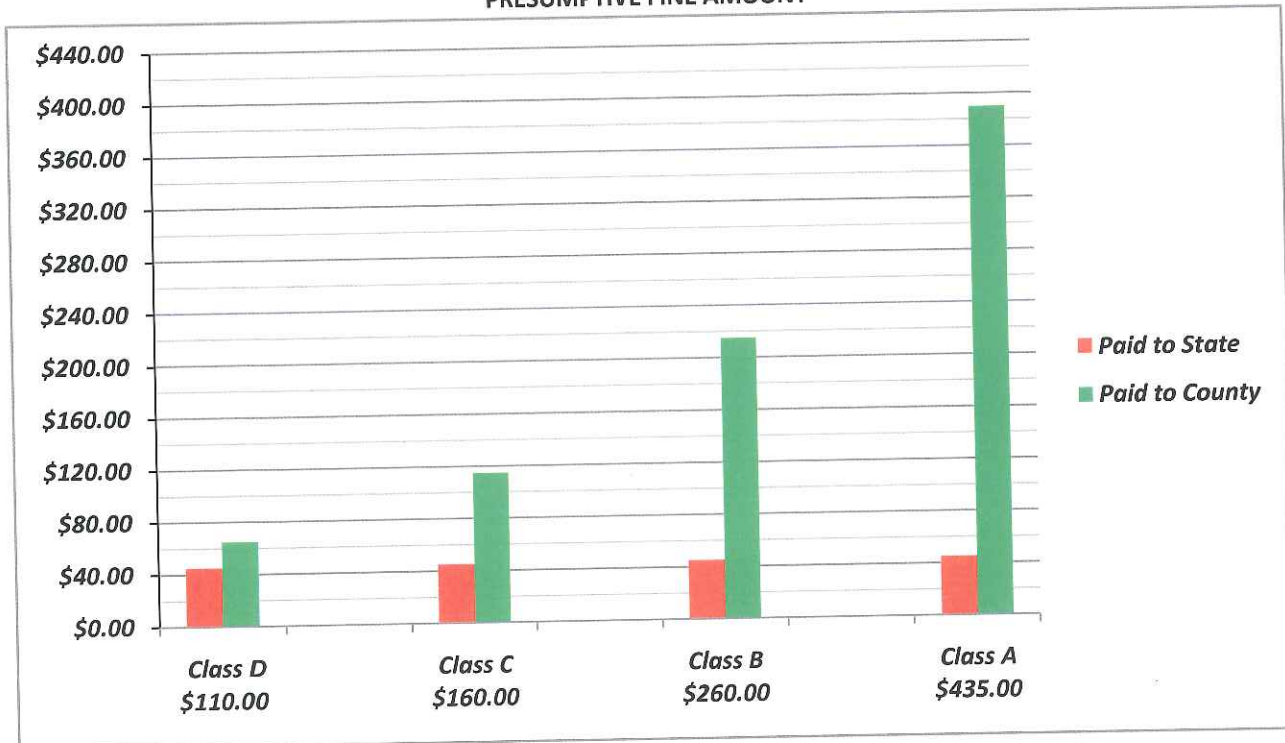


# SHERIFF CITATIONS FILED IN JUSTICE COURT HB 2857

## MINIMUM FINE AMOUNT



## PRESUMPTIVE FINE AMOUNT







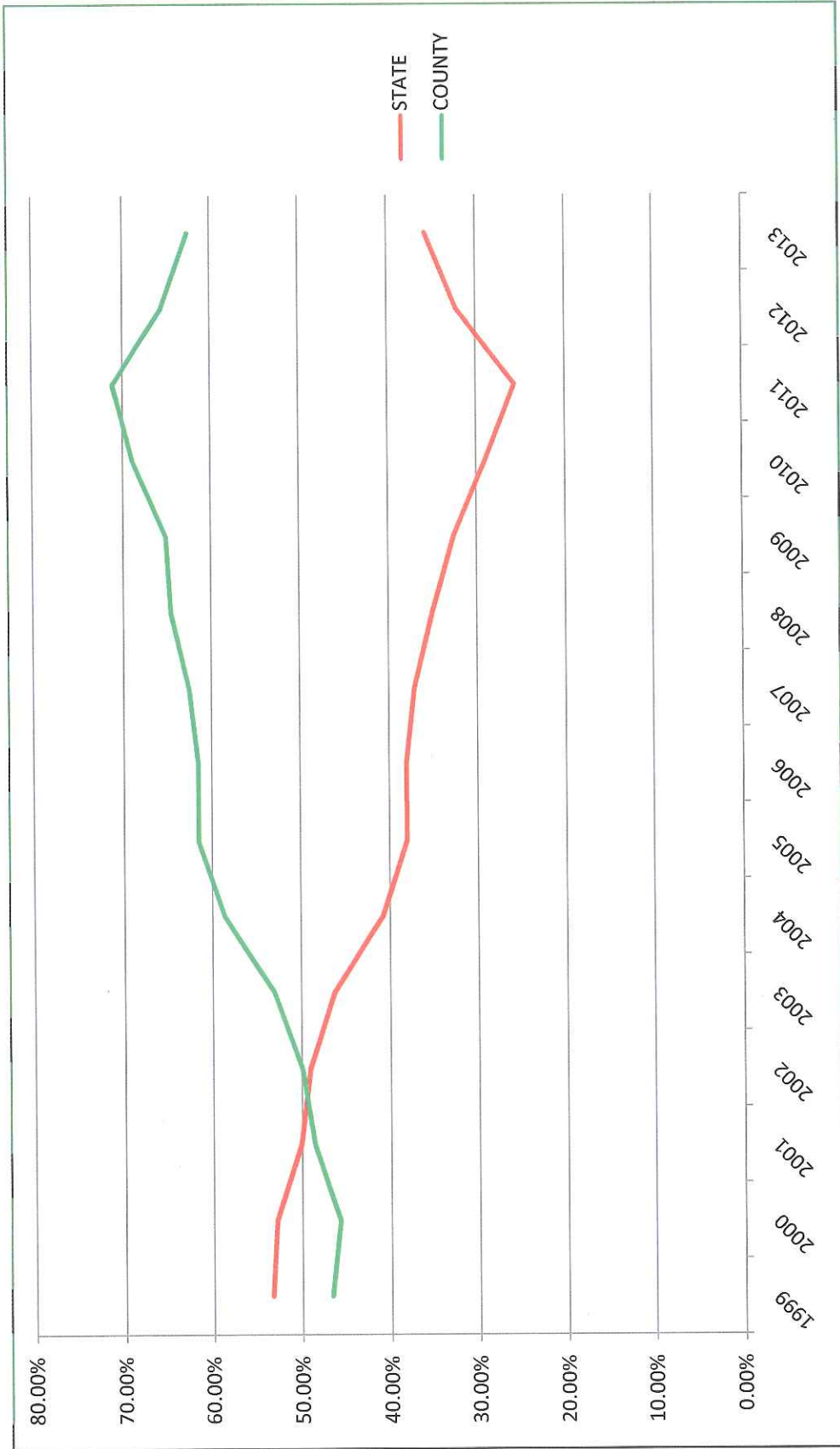
**SHERIFF CITATIONS FILED IN JUSTICE COURT - HB 2857**

<b>MINIMUM FINE</b>			
	Paid to State	Paid to County	Fine Amount
Class D \$60.00	\$45.00	\$15.00	\$60.00
Class C \$80.00	\$45.00	\$35.00	\$80.00
Class B \$130.00	\$45.00	\$85.00	\$130.00
Class A \$220.00	\$45.00	\$175.00	\$220.00

<b>PRESUMPTIVE FINE</b>			
	Paid to State	Paid to County	Fine Amount
Class D \$110.00	\$45.00	\$65.00	\$110.00
Class C \$160.00	\$45.00	\$115.00	\$160.00
Class B \$260.00	\$45.00	\$215.00	\$260.00
Class A \$435.00	\$45.00	\$390.00	\$435.00



# JUSTICE COURT REVENUE 1999 - 2013





## JUSTICE COURT REVENUE 1999 - 2013

FYE	% TO STATE	% TO COUNTY
1999	53.34%	46.66%
2000	52.85%	45.74%
2001	50.10%	48.60%
2002	49.03%	49.93%
2003	46.24%	53.00%
2004	40.79%	58.58%
2005	37.99%	61.51%
2006	38.06%	61.48%
2007	37.10%	62.49%
2008	35.03%	64.51%
2009	32.63%	65.08%
2010	29.00%	68.84%
2011	25.71%	71.15%
2012	32.23%	65.52%
2013	35.68%	62.47%



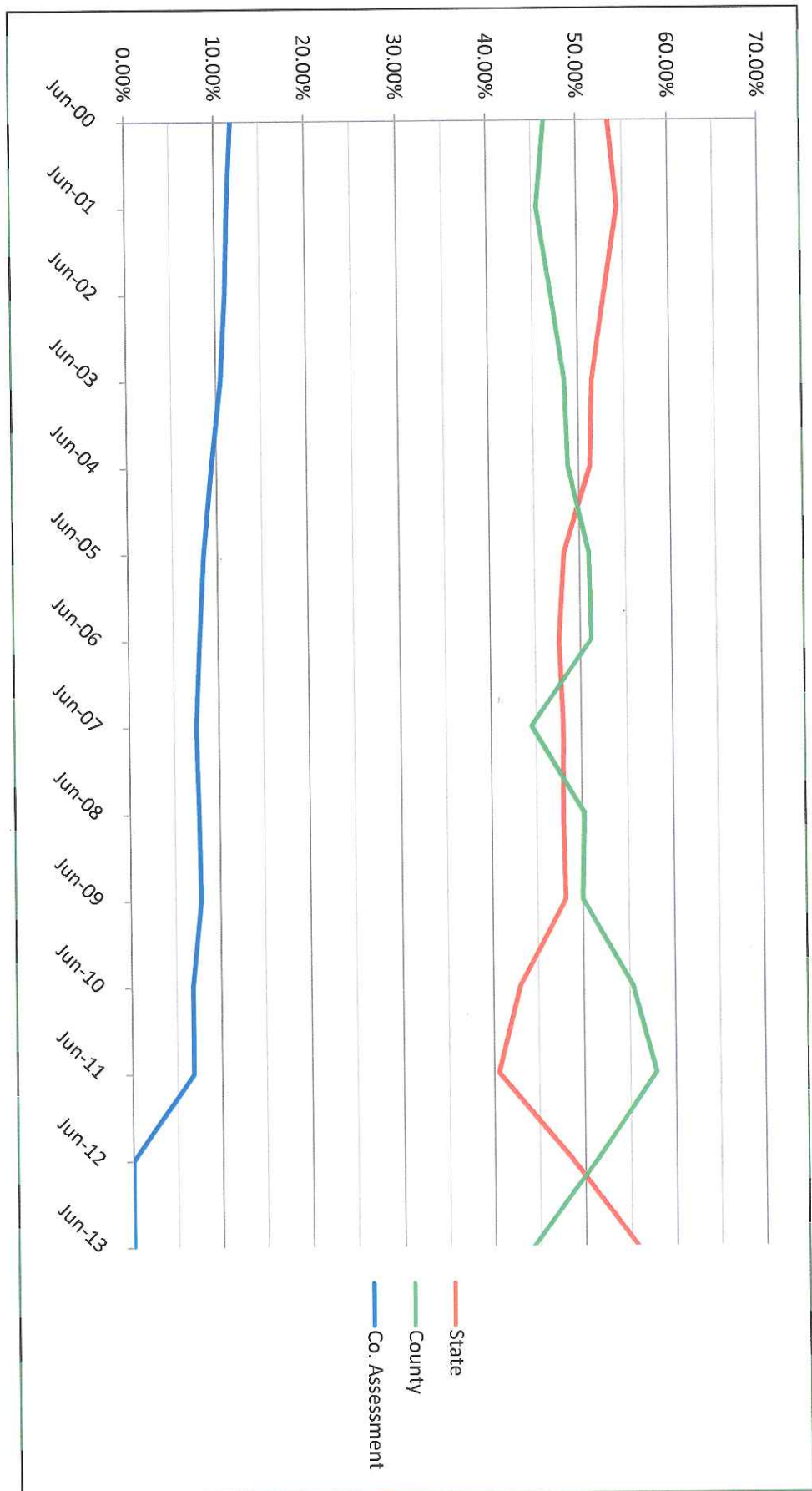
## JUSTICE COURT REVENUE, PAYMENTS TO THE STATE AND COUNTY

FYE	Total Court Revenue	Unitary Assessment	Total Payments to State	Total Payments to County	St Crt Security Assessment	% to State	% to County	% to Jud.Dept
1999	\$433,161.34	\$95,928.05	\$231,065.18	\$202,096.16	\$0.00	53.34%	46.66%	0.00%
2000	\$2,781,723.74	\$644,792.88	\$1,470,131.01	\$1,272,356.48	\$0.00	52.85%	45.74%	0.00%
2001	\$2,949,382.71	\$752,724.04	\$1,477,746.85	\$1,433,341.11	\$0.00	50.10%	48.60%	0.00%
2002	\$2,871,972.67	\$725,277.09	\$1,408,119.99	\$1,433,845.68	\$0.00	49.03%	49.93%	0.00%
2003	\$5,260,187.77	\$1,233,755.87	\$2,432,545.86	\$2,787,943.91	\$0.00	46.24%	53.00%	0.00%
2004	\$5,872,106.96	\$1,165,795.29	\$2,395,235.27	\$3,439,940.44	\$0.00	40.79%	58.58%	0.00%
2005	\$7,186,840.46	\$1,439,910.32	\$2,730,367.33	\$4,420,397.88	\$14,759.00	37.99%	61.51%	0.21%
2006	\$8,025,330.48	\$1,506,324.82	\$3,054,260.48	\$4,934,237.25	\$105,515.97	38.06%	61.48%	1.31%
2007	\$8,981,026.11	\$1,476,021.13	\$3,332,189.05	\$5,612,034.06	\$180,116.55	37.10%	62.49%	2.01%
2008	\$8,706,532.12	\$1,486,293.77	\$3,049,914.87	\$5,616,452.00	\$175,337.50	35.03%	64.51%	2.01%
2009	\$9,028,090.86	\$1,451,873.39	\$2,945,880.99	\$5,875,475.25	\$180,265.30	32.63%	65.08%	2.00%
2010	\$8,961,037.86	\$1,129,431.50	\$2,599,088.56	\$6,168,705.47	\$159,412.00	29.00%	68.84%	1.78%
2011	\$7,576,073.80	\$992,020.85	\$1,947,581.49	\$5,390,507.05	\$130,880.26	25.71%	71.15%	1.73%
2012	\$4,883,015.31	\$278,148.80	\$1,573,588.29	\$3,199,545.52	\$0.00	32.23%	65.52%	0.00%
2013	\$3,190,180.40	\$303,666.12	\$1,138,378.68	\$1,992,772.47	\$0.00	35.68%	62.47%	0.00%





# CASCADE LOCKS JUSTICE COURT REVENUE 2000 THROUGH 2013





# CASCADE LOCKS JUSTICE COURT REVENUE 2000 THROUGH 2013

FYE	% of Total Revenue State	% of Total Revenue County	% of Total Co. Assessment
Jun-00	53.52%	46.47%	11.87%
Jun-01	54.42%	45.56%	11.37%
Jun-02	52.94%	47.06%	11.09%
Jun-03	51.50%	48.48%	10.52%
Jun-04	51.20%	48.80%	9.44%
Jun-05	48.28%	50.99%	8.48%
Jun-06	47.63%	51.19%	7.93%
Jun-07	48.02%	44.50%	7.45%
Jun-08	47.92%	50.23%	7.69%
Jun-09	48.12%	50.00%	7.84%
Jun-10	42.98%	55.37%	6.83%
Jun-11	40.55%	57.89%	6.81%
Jun-12	48.59%	51.41%	0.00%
Jun-13	55.68%	44.32%	0.00%

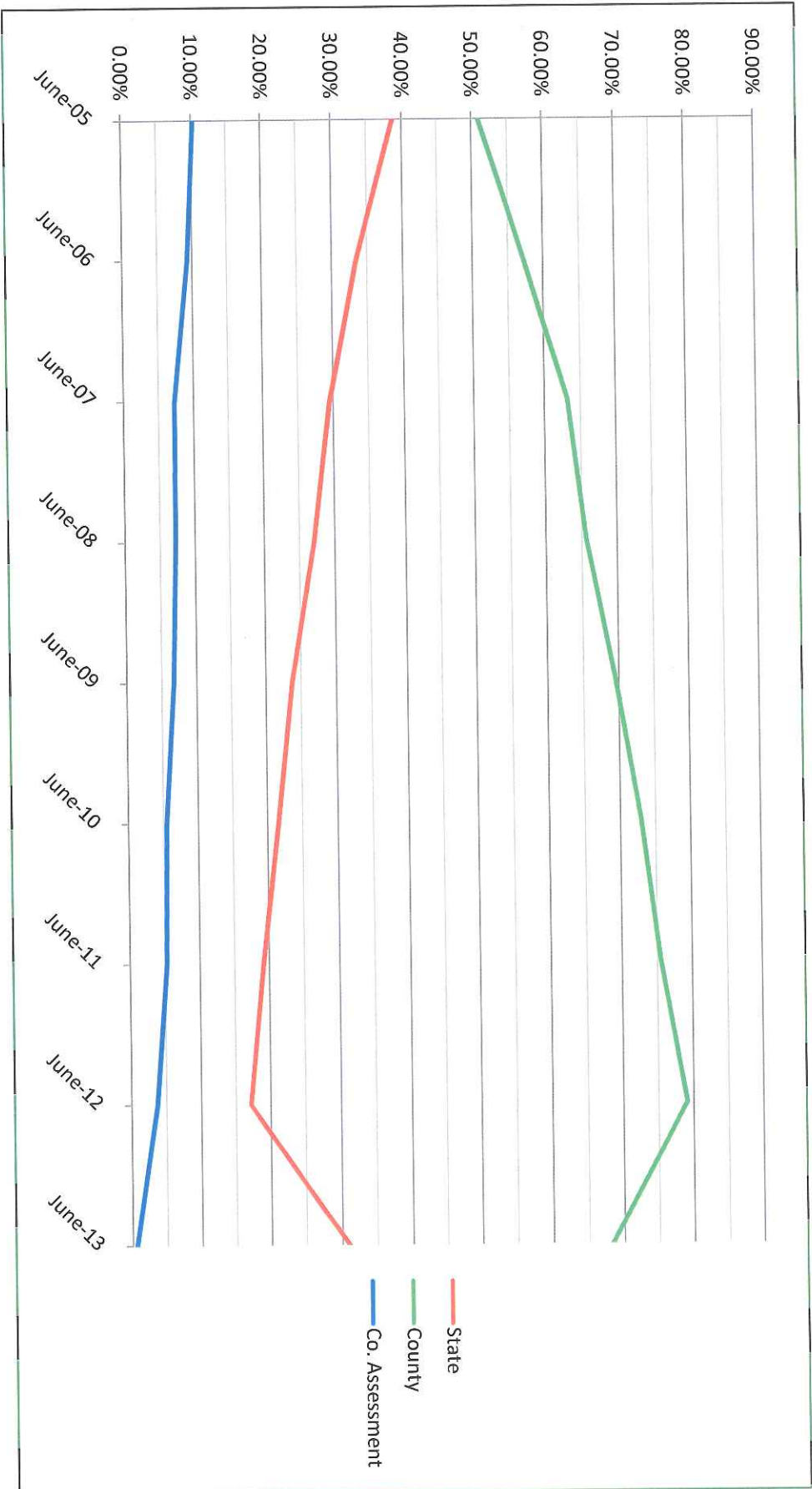


# CASCADE LOCKS JUSTICE COURT REVENUE SURVEYS 2000-2013

Court	FYE	Total Court Revenue	Section 6b	Unitary Assessment	Payments to State	State Cr		County Assessment	Net Revenue to County	% to State	% to County	% to County Assessment	% to County	No. of Viol	No. of Crimes	No. of Civil	No. of FED	No. of SC
						Security Assessment	Assessment											
Cascade Locks	Jun-00	\$706,305.19		\$156,052.00	\$378,028.57	\$0.00	\$83,811.00	\$328,192.12	53.52%	11.87%	46.47%	8404						
Cascade Locks	Jun-01	\$897,988.14		\$214,330.25	\$488,728.19	\$0.00	\$102,138.00	\$409,167.45	54.42%	11.37%	45.56%	8831						
Cascade Locks	Jun-02	\$745,146.95		\$169,318.25	\$394,480.75	\$0.00	\$82,662.50	\$350,666.20	52.94%	11.09%	47.06%	8598						
Cascade Locks	Jun-03	\$912,042.96		\$182,517.00	\$469,695.27	\$0.00	\$95,968.00	\$442,120.19	51.50%	10.52%	48.48%	7544						
Cascade Locks	Jun-04	\$1,037,569.50		\$191,588.00	\$531,277.00	\$0.00	\$97,923.50	\$506,292.50	51.20%	9.44%	48.80%	7826						
Cascade Locks	Jun-05	\$946,079.56		\$158,336.50	\$456,730.75	\$0.00	\$80,222.56	\$482,367.81	48.28%	8.48%	50.99%	6680						
Cascade Locks	Jun-06	\$1,156,441.47		\$176,384.00	\$550,785.27	\$9,122.00	\$91,700.94	\$591,978.70	47.63%	7.93%	51.19%	7433						
Cascade Locks	Jun-07	\$1,168,263.25		\$167,949.00	\$661,023.96	\$20,655.00	\$87,086.00	\$519,869.29	48.02%	7.45%	44.50%	6196						
Cascade Locks	Jun-08	\$1,093,629.29		\$165,887.00	\$524,109.29	\$20,214.00	\$84,117.00	\$549,306.00	47.92%	7.69%	50.23%	5715						
Cascade Locks	Jun-09	\$998,026.29		\$155,761.47	\$480,257.37	\$18,650.00	\$78,278.00	\$499,000.92	48.12%	7.84%	50.00%	4948						
Cascade Locks	Jun-10	\$996,785.64		\$128,876.14	\$428,438.62	\$16,049.00	\$68,041.00	\$551,876.02	42.98%	6.83%	55.37%	5383						
Cascade Locks	Jun-11	\$893,581.52		\$108,537.27	\$362,358.28	\$13,540.50	\$60,839.16	\$517,306.74	40.55%	6.81%	57.89%	4226						
Cascade Locks	Jun-12	\$903,387.03			\$438,967.61			\$464,419.42	48.59%	0.00%	51.41%	4230						
Cascade Locks	Feb-13	\$462,354.84			\$257,456.28			\$204,898.56	55.68%	0.00%	44.32%	2106						



# JACKSON COUNTY REVENUE 2005 THROUGH 2013







### JACKSON COUNTY REVENUE 2005 THROUGH 2013

FY/E	% of Total Revenue State	% of Total Revenue County	% of Total Co. Assessment
June-05	38.74%	50.95%	10.31%
June-06	33.46%	57.23%	9.31%
June-07	29.53%	63.19%	7.28%
June-08	27.13%	65.65%	7.22%
June-09	23.71%	69.59%	6.70%
June-10	21.56%	72.99%	5.45%
June-11	19.22%	75.54%	5.24%
June-12	17.19%	79.12%	3.69%
June-13	31.03%	68.39%	0.58%

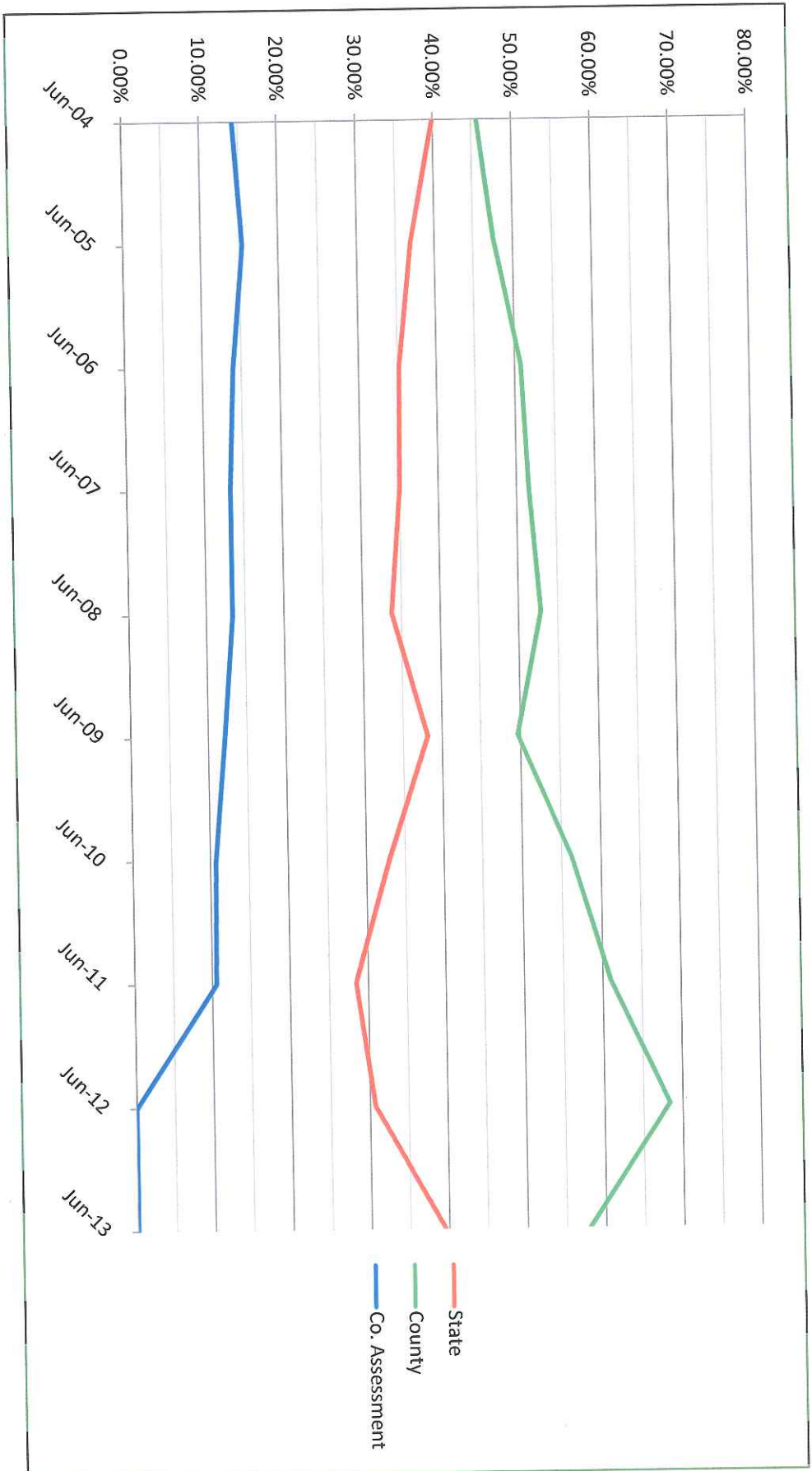


# JACKSON COUNTY JUSTICE COURT REVENUE SURVEYS 2005-2013

Court	FYE	Total Court Revenue	Unitary Assessment	Total Payments to State	St Cr Security Assessment	County Assessment	Net Revenue to County	% to State	% to County	County Assessment	% to County	County Violation	No. of Crimes
Jackson Co.	Jun-05	\$1,140,570.00	\$268,037.00	\$441,835.00	\$0.00	\$117,637.00	\$581,098.00	38.74%	10.31%	50.95%	12369		
Jackson Co.	Jun-06	\$1,423,918.00	\$269,977.00	\$476,418.00	\$20,698.00	\$132,538.00	\$814,962.00	33.46%	9.31%	57.23%	11798		
Jackson Co.	Jun-07	\$1,916,246.00	\$309,194.00	\$565,899.00	\$43,722.00	\$139,422.00	\$1,210,925.00	29.53%	7.28%	63.19%	15879		
Jackson Co.	Jun-08	\$2,307,106.00	\$352,598.00	\$625,808.00	\$50,217.00	\$166,639.00	\$1,514,659.00	27.13%	7.22%	65.65%	15208		
Jackson Co.	Jun-09	\$2,484,186.00	\$331,701.00	\$588,967.00	\$55,180.00	\$166,382.00	\$1,728,837.00	23.71%	6.70%	69.59%	16097		
Jackson Co.	Jun-10	\$2,302,672.00	\$278,412.00	\$496,517.00	\$47,090.00	\$125,385.00	\$1,680,770.00	21.56%	5.45%	72.99%	13764		
Jackson Co.	Jun-11	\$2,466,562.00	\$297,638.00	\$474,057.00	\$51,813.00	\$129,158.00	\$1,863,347.00	19.22%	5.24%	75.54%	16236		
Jackson Co.	Jun-12	\$2,161,153.07	\$214,693.14	\$371,529.70	\$35,071.91	\$79,753.88	\$1,709,869.49	17.19%	3.69%	79.12%	12515		
Jackson Co.	Feb-13	\$1,443,211.81	\$31,619.87	\$447,824.41	\$4,654.44	\$6,342.09	\$987,045.31	31.03%	0.58%	68.39%	8876		



# TILLAMOOK JUSTICE COURT REVENUE 2004 THROUGH 2013





**TILLAMOOK JUSTICE COURT REVENUE 2004 THROUGH 2013**

FYE	% of Total Revenue State	% of Total Revenue County	% of Total Co. Assessment
Jun-04	39.96%	45.71%	14.33%
Jun-05	36.94%	47.66%	15.39%
Jun-06	35.22%	50.80%	13.97%
Jun-07	35.03%	51.59%	13.38%
Jun-08	33.73%	52.85%	13.42%
Jun-09	38.17%	49.66%	12.17%
Jun-10	32.96%	56.29%	10.75%
Jun-11	28.44%	61.02%	10.54%
Jun-12	30.73%	68.35%	0.00%
June-13	39.57%	57.99%	0.00%



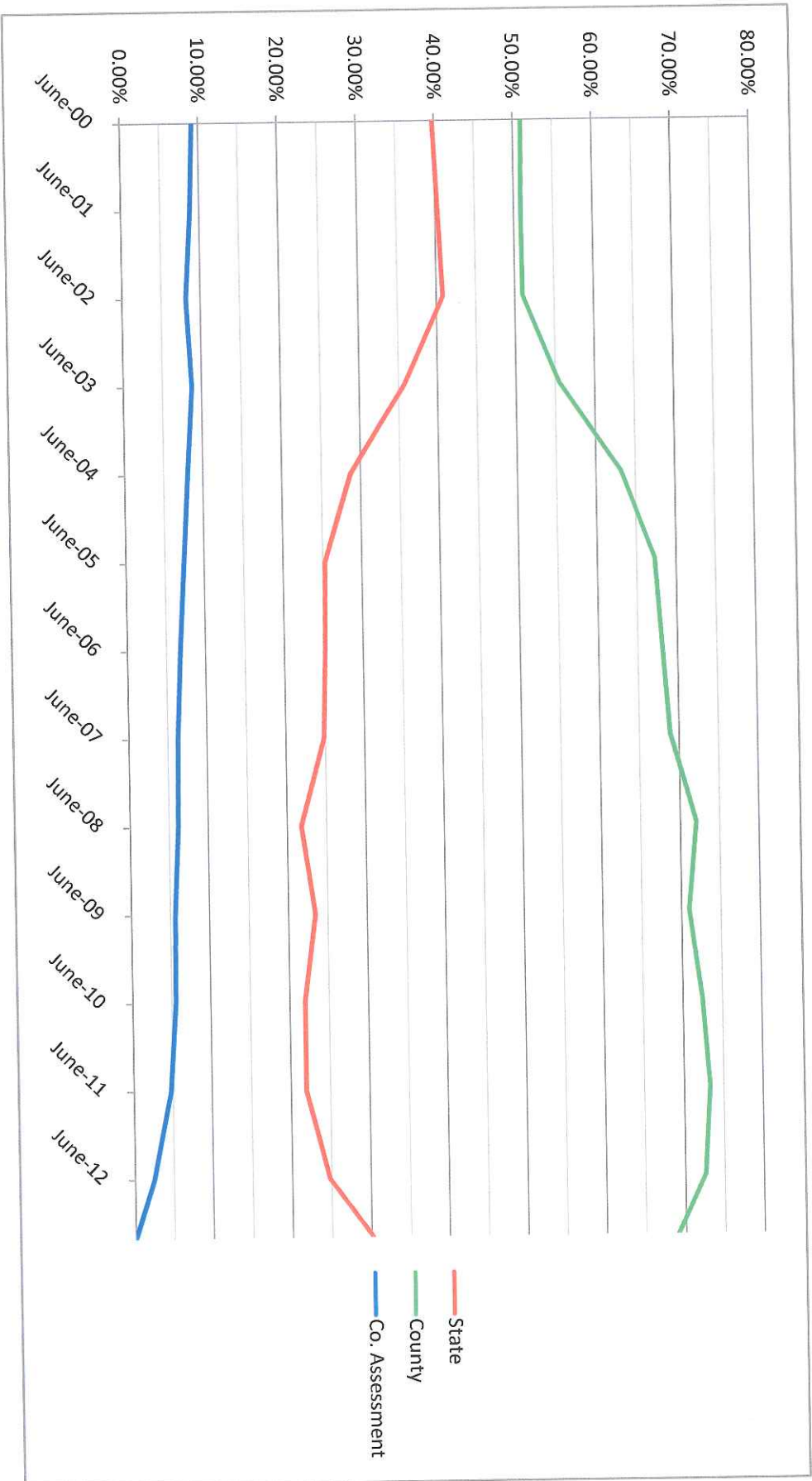


# TILLAMOOK JUSTICE COURT REVENUE SURVEYS 2004-2013

Court	FYE	Total Court Revenue	Section 6b	Unitary Assessment		Total Payments to State	St CRT Security Assessment	County Assessment	Net Revenue to County	% to State Assessment	% to County Assessment	% to County Violation	No. of Crimes	No. of Civil	No. of FED	No. of SC
				Assessment	Total											
Tillamook	Jun-04	\$690,251.24		\$139,909.75	\$275,819.28	\$0.00	\$98,891.59	\$315,540.37	39.96%	14.33%	45.71%	5789	480			
Tillamook	Jun-05	\$599,429.72		\$119,678.75	\$221,449.25	\$0.00	\$92,275.98	\$285,704.49	36.94%	15.39%	47.66%	6026	453			
Tillamook	Jun-06	\$642,369.65		\$123,348.42	\$226,261.69	\$4,687.00	\$89,759.46	\$326,348.50	35.22%	13.97%	50.80%	6039	315			
Tillamook	Jun-07	\$870,106.22		\$169,632.17	\$304,828.14	\$18,013.55	\$116,417.01	\$448,861.07	35.03%	13.38%	51.59%	7870	364			
Tillamook	Jun-08	\$803,556.90		\$152,343.37	\$271,040.58	\$16,604.00	\$107,803.55	\$424,712.77	33.73%	13.42%	52.85%	7221	439			
Tillamook	Jun-09	\$761,078.67		\$150,020.08	\$290,516.42	\$17,338.00	\$92,612.57	\$377,949.68	38.17%	12.17%	49.66%	7195	680			
Tillamook	Jun-10	\$846,787.07		\$142,124.62	\$279,120.81	\$17,628.00	\$91,034.98	\$476,631.28	32.96%	10.75%	56.29%	6366	683			
Tillamook	Jun-11	\$907,889.49		\$130,618.20	\$258,163.09	\$16,832.25	\$95,719.65	\$554,006.75	28.44%	10.54%	61.02%	5635	588			
Tillamook	Jun-12	\$701,342.00	\$42,060.00		\$215,538.00			\$479,369.00	30.73%	0.00%	68.35%	5069	0	244		
Tillamook	Jun-13	\$371,291.69			\$146,927.18			\$215,321.25	39.57%	0.00%	57.99%					



# LINN COUNTY JUSTICE COURT REVENUE 2000 THROUGH 2013





LINN COUNTY JUSTICE COURT REVENUE 2000 THROUGH 2013

FYE	% of Total Revenue State	% of Total Revenue County	% of Total Co. Assessment
June-00	39.80%	51.02%	9.18%
June-01	40.31%	50.89%	8.80%
June-02	40.86%	51.00%	8.14%
June-03	35.72%	55.53%	8.75%
June-04	28.72%	63.13%	8.03%
June-05	25.30%	67.27%	7.39%
June-06	25.13%	68.09%	6.78%
June-07	24.81%	68.90%	6.29%
June-08	21.78%	72.02%	6.15%
June-09	23.40%	70.96%	5.63%
June-10	21.92%	72.45%	5.52%
June-11	21.92%	73.30%	4.76%
June-12	24.78%	72.61%	2.45%
Feb-13	30.23%	69.08%	0.00%



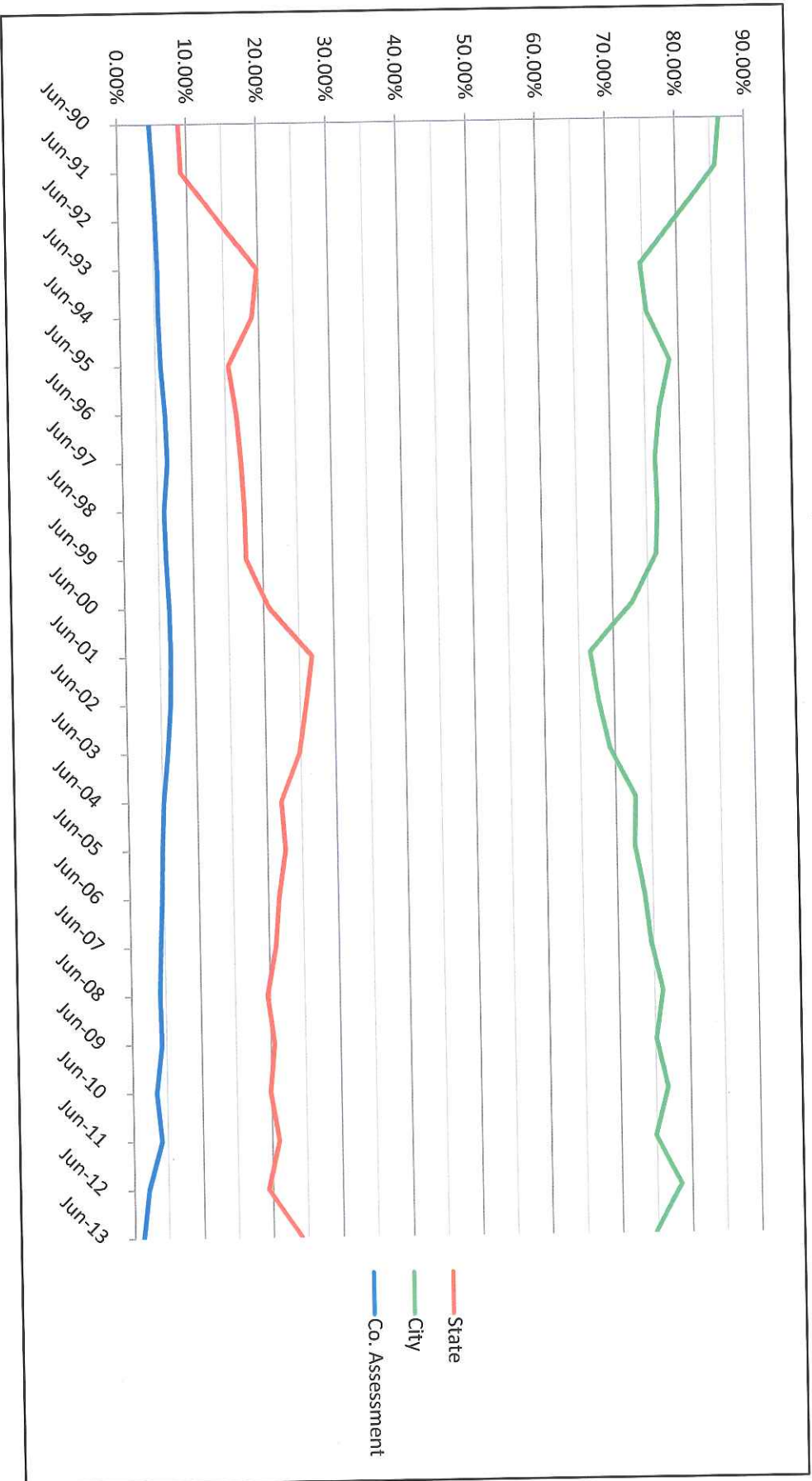
# LINN COUNTY JUSTICE COURT REVENUE SURVEYS 2000-2013

Court	FYE	Total Court Revenue	Section 6b	Unitary Assessment	Total Payments		St Cr Security Assessment	County Assessment	Net Revenue to County	% to % to County		No. of Violation Crimes	No. of Civil	No. of FED	No. of SC
					to State	to County				State Assessment	County Assessment				
Linn Co.	Jun-00	\$427,476.34	\$0.00	\$81,084.00	\$170,126.60	\$0.00	\$39,236.25	\$218,113.49	39.80%	9.18%	51.02%	2554	351	7	1
Linn Co.	Jun-01	\$435,204.58	\$0.00	\$82,566.50	\$175,447.12	\$0.00	\$38,294.75	\$221,462.71	40.31%	8.80%	50.89%	2648	84	6	5
Linn Co.	Jun-02	\$368,603.21	\$0.00	\$63,023.25	\$150,594.66	\$0.00	\$30,007.00	\$188,001.55	40.86%	8.14%	51.00%	1989	101	3	2
Linn Co.	Jun-03	\$453,896.30	\$0.00	\$91,944.75	\$162,142.12	\$0.00	\$39,698.00	\$252,056.18	35.72%	8.75%	55.53%	3628	183	49	10
Linn Co.	Jun-04	\$453,224.08	\$0.00	\$83,042.25	\$130,165.16	\$0.00	\$36,402.25	\$286,127.67	28.72%	8.03%	63.13%	2711	181	473	5
Linn Co.	Jun-05	\$485,818.00	\$0.00	\$78,932.25	\$122,922.00	\$0.00	\$35,887.75	\$326,820.75	25.30%	7.39%	67.27%	2493	197	466	4
Linn Co.	Jun-06	\$543,265.59	\$0.00	\$88,239.00	\$136,517.43	\$0.00	\$36,832.75	\$369,915.41	25.13%	6.78%	68.09%	2873	279	523	14
Linn Co.	Jun-07	\$585,441.64	\$0.00	\$4,174.00	\$145,259.50	\$9,603.00	\$36,803.00	\$403,379.14	24.81%	6.29%	68.90%	2579	233	577	10
Linn Co.	Jun-08	\$648,418.37	\$0.00	\$77,887.53	\$141,255.16	\$7,988.00	\$39,863.25	\$466,997.96	21.78%	6.15%	72.02%	2266	252	333	91
Linn Co.	Jun-09	\$975,914.55	\$0.00	\$13,900.43	\$228,322.73	\$14,218.00	\$54,914.99	\$692,492.83	23.40%	5.63%	70.96%	4319	414	142	217
Linn Co.	Jun-10	\$1,094,720.88	\$0.00	\$140,343.92	\$239,941.21	\$15,276.00	\$60,456.35	\$793,084.32	21.92%	5.52%	72.45%	4311	435	161	185
Linn Co.	Jun-11	\$1,181,398.53	\$0.00	\$138,984.38	\$258,966.32	\$15,545.01	\$56,220.76	\$865,966.95	21.92%	4.76%	73.30%	4052	424	193	163
Linn Co.	Jun-12	\$903,694.38	\$46,237.00	\$77,794.35	\$223,961.23	\$9,842.92	\$22,161.00	\$656,174.65	24.78%	2.45%	72.61%	3497	354	61	171
Linn Co.	Feb-13	\$546,777.27	\$89,606.75	\$9,199.94	\$165,289.15	\$1,479.48	\$0.00	\$377,716.90	30.23%	0.00%	69.08%	1917	193	38	111





# SPRINGFIELD MUNICIPAL COURT REVENUE 1990 THROUGH 2013





**SPRINGFIELD MUNICIPAL COURT REVENUE 1990 THROUGH 2013**

FYE	% of Total Revenue State	% of Total Revenue City	% of Total Co. Assessment
Jun-90	8.96%	86.40%	4.64%
Jun-91	9.22%	85.73%	5.05%
Jun-92	14.43%	80.23%	5.34%
Jun-93	19.82%	74.67%	5.50%
Jun-94	18.99%	75.47%	5.53%
Jun-95	15.55%	78.69%	5.76%
Jun-96	16.59%	77.09%	6.32%
Jun-97	17.12%	76.36%	6.52%
Jun-98	17.50%	76.58%	5.92%
Jun-99	17.60%	76.29%	6.11%
Jun-00	20.81%	72.73%	6.46%
Jun-01	26.81%	66.64%	6.55%
Jun-02	25.86%	67.72%	6.42%
Jun-03	24.80%	69.30%	5.90%
Jun-04	22.09%	72.75%	5.17%
Jun-05	22.60%	72.54%	4.86%
Jun-06	21.52%	73.80%	4.68%
Jun-07	20.98%	74.62%	4.39%
Jun-08	19.64%	76.20%	4.16%
Jun-09	20.53%	75.15%	4.32%
Jun-10	19.85%	76.74%	3.42%
Jun-11	21.04%	74.86%	4.10%
Jun-12	19.41%	78.48%	2.11%
Jun-13	24.10%	74.67%	1.23%



# SPRINGFIELD MUNICIPAL COURT REVENUE SURVEYS 1990-2013

Court	FYE	Total Court Revenue	Section 6b Assessment	Unitary Assessment	Total Payments to State	St Ct Security Assessment	County Assessment	Net Revenue to City	% to State Assessment	% to County Assessment	% to City Assessment	No. of Violation Crimes	No. of Crimes
Springfield	Jun-90	\$533,453.19		N/A	\$47,775.00		\$24,764.15	\$460,914.04	8.96%	4.64%	86.40%		
Springfield	Jun-91	\$803,358.59		N/A	\$74,054.00		\$40,551.80	\$688,752.79	9.22%	5.05%	85.73%		
Springfield	Jun-92	\$820,323.20		\$15,029.50	\$118,378.70		\$43,768.21	\$658,176.29	14.43%	5.34%	80.23%		
Springfield	Jun-93	\$754,445.73		\$76,064.20	\$149,536.05		\$41,530.59	\$563,379.09	19.82%	5.50%	74.67%		
Springfield	Jun-94	\$802,352.41		\$97,114.25	\$152,393.58		\$44,398.48	\$605,560.35	18.99%	5.53%	75.47%		
Springfield	Jun-95	\$766,739.26		\$92,603.14	\$119,227.40		\$54,141.38	\$603,370.48	15.55%	5.76%	78.69%		
Springfield	Jun-96	\$847,712.59		\$108,453.01	\$140,643.99		\$53,544.06	\$653,524.54	16.59%	6.32%	77.09%		
Springfield	Jun-97	\$1,014,959.20		\$126,364.50	\$173,800.90		\$66,179.38	\$774,978.92	17.12%	6.52%	76.36%		
Springfield	Jun-98	\$857,632.64		\$110,878.00	\$150,095.14		\$50,736.21	\$656,801.29	17.50%	5.92%	76.58%		
Springfield	Jun-99	\$912,537.48		\$123,384.29	\$180,631.19		\$64,349.46	\$696,167.65	17.60%	6.11%	76.29%		
Springfield	Jun-00	\$996,669.12		\$178,746.86	\$207,425.35		\$69,769.80	\$724,894.31	20.81%	6.46%	72.73%		
Springfield	Jun-01	\$1,065,453.18		\$251,105.55	\$285,681.43		\$73,870.17	\$778,844.05	26.81%	6.55%	66.64%	8292	2731
Springfield	Jun-02	\$1,150,063.40		\$261,857.56	\$297,349.18		\$70,140.69	\$823,680.93	25.86%	6.42%	67.72%	7850	2608
Springfield	Jun-03	\$1,188,618.11		\$255,574.24	\$294,796.49		\$55,891.96	\$786,666.50	24.80%	5.90%	69.30%	6633	2711
Springfield	Jun-04	\$1,081,390.84		\$205,607.97	\$238,832.38		\$63,536.47	\$521,234.12	22.09%	5.17%	72.75%	4429	1893
Springfield	Jun-05	\$747,166.55		\$133,304.78	\$162,395.96		\$63,336.00	\$998,726.00	21.73%	8.50%	69.76%		
Springfield	Jun-06	\$1,353,306.00		\$237,626.00	\$291,244.00		\$72,318.64	\$1,228,040.65	21.52%	4.68%	73.80%		
Springfield	Jun-07	\$1,645,669.14		\$289,803.42	\$345,309.85		\$67,520.22	\$1,237,781.32	20.98%	4.39%	74.62%		
Springfield	Jun-08	\$1,624,407.40		\$263,470.35	\$319,105.86		\$72,205.36	\$1,255,840.27	19.64%	4.16%	76.20%	8427	3917
Springfield	Jun-09	\$1,671,056.51		\$271,987.11	\$343,010.88		\$69,191.91	\$1,554,012.52	20.53%	4.32%	75.15%	8226	4119
Springfield	Jun-10	\$2,025,097.23		\$320,666.60	\$401,892.80		\$79,288.99	\$1,446,100.67	19.85%	3.42%	76.74%		
Springfield	Jun-11	\$1,931,815.83		\$242,662.48	\$406,426.17		\$62,201.51	\$1,925,037.21	21.04%	4.10%	74.86%	8961	5071
Springfield	Jun-12	\$2,463,278.89		\$232,139.09	\$476,040.17		\$17,220.17	\$1,043,021.55	19.33%	2.53%	78.15%		
Springfield	Jun-13	\$1,396,857.07			\$336,615.35				24.10%	1.23%	74.67%		



## THE COUNTY ASSESSMENT

The \$60 levy that is the subject of Section 1 of HB 2857 was determined by an additive method: The Unitary Assessment (\$37) was added the County Assessment for the Class B violation (\$25) then rounded down to \$60. Three levels of error underlie this computation: It based upon the wrong class of offense; it did not exclude payments to State accounts; it did not account for the priority disparity between the Unitary Assessment (first) and the County Assessment (last).

	<b>The County Assessment (2009 ORS 137.309)</b>				
	The Base Fine	Assessment Amount	% of the Fine	State's Share in \$	State's Share - %
<b>Class D</b>	\$142	\$15	10.5%	\$4	26.7%
<b>Class C</b>	\$190	\$18	9.5%	\$5	27.8%
<b>Class B</b>	\$287	\$25	8.7%	\$7	28%
<b>Class A</b>	472	\$30	6.4%	\$8	26.7%

First, it was assumed that the most common offense was the Class B traffic violation—this was based upon anecdotal information from Multnomah County. Actually, for most trial courts, the Class C traffic is the most common offense. Generally, the average judgment in most trial courts tracks the Presumptive Fine (previously the “Base Fine” or “Bail”) of the Class C violation. This error overstated the value of the County Assessment used in the calculation.

Second, the additive calculation did exclude from the County Assessment those amounts that were paid to State of Oregon accounts. For the Class C violation that amount was \$5. Thus, using that strait additive method, the amount added to the \$37 Unitary Assessment would have been \$13 (Class C). Thus, the strait additive total should have been \$50.

Finally, the additive calculation falsely assumed that the Unitary Assessment and County Assessment had identical priorities of distribution—that is that they had the same value, dollar for dollar. Actually, they did not: The Unitary Assessment had the first priority to payments made on fines; the County Assessment had the last priority—the County Assessment was not paid “until all other fines, fees, and assessments ordered by the court have been paid.” *Former*, ORS 137.309(5).

If it had been properly calculated, the corrected additive method would have yielded the following calculation: To the \$37 Unitary Assessment would have been added the amount of the County Assessment for the Class C violation (\$18) minus the State’s share of the County Assessment (\$5); the resulting amount (\$13) adjusted to about 3/5’s value to reflect the low priority of the County Assessment yielding about \$8; thus the calculation should have been \$37 + \$8 = \$45





**137.309 County assessment; amount; collection; distribution.** (1) Except as provided in subsection (4) of this section, whenever a circuit or municipal court or a justice of a justice court imposes a sentence of a fine, term of imprisonment, probation or any combination thereof, including a sentence imposed and thereafter suspended, as a penalty for an offense as defined in ORS 161.505, excluding parking violations, an assessment in addition to such sentence shall be collected.

(2) The assessment is not part of the penalty or in lieu of any part thereof. The amount of the assessment shall be as follows:

- (a) \$5, when the fine or forfeiture is \$5 to \$14.99.
- (b) \$15, when the fine or forfeiture is \$15 to \$49.99.
- (c) \$18, when the fine or forfeiture is \$50 to \$99.99.
- (d) \$25, when the fine or forfeiture is \$100 to \$249.99.
- (e) \$30, when the fine or forfeiture is \$250 to \$499.99.
- (f) \$66, when the fine or forfeiture is \$500 or more.

(3) Assessments imposed under subsections (1) to (5) of this section shall be collected as provided in subsections (6) to (9) of this section.

(4) The court is not required to impose the assessment, or a part of the assessment, if it finds that the defendant is indigent or that imposition of the assessment would constitute an undue hardship.

(5) Payment to a court shall not be credited to the assessment described in subsections (1) to (5) of this section until all other fines, fees and assessments ordered by the court have been paid.

(6) Except as provided in subsections (7) and (8) of this section, amounts paid for the assessment imposed by this section must be transferred by the court to the county treasurer of the county in which the court is located not later than the last day of the month immediately following the month in which the amounts are collected.

(7) Prior to making payment to the county treasurer as provided in subsections (6) and (9) of this section, the clerk of a circuit, municipal or justice court:

(a) Shall withhold and deposit in the State Treasury to the credit of the State Court Facilities Security Account the following amounts:

- (A) \$3, when the assessment is \$15.
- (B) \$4, when the assessment is \$18.
- (C) \$5, when the assessment is \$25.
- (D) \$6, when the assessment is \$30.
- (E) \$7, when the assessment is \$66.

(b) May withhold an amount equal to the reasonable costs incurred by the clerk in collection and distribution of the assessment.

(8) Prior to making payment to the county treasurer as provided in subsections (6) and (9) of this section, the clerk of a circuit, municipal or justice court:

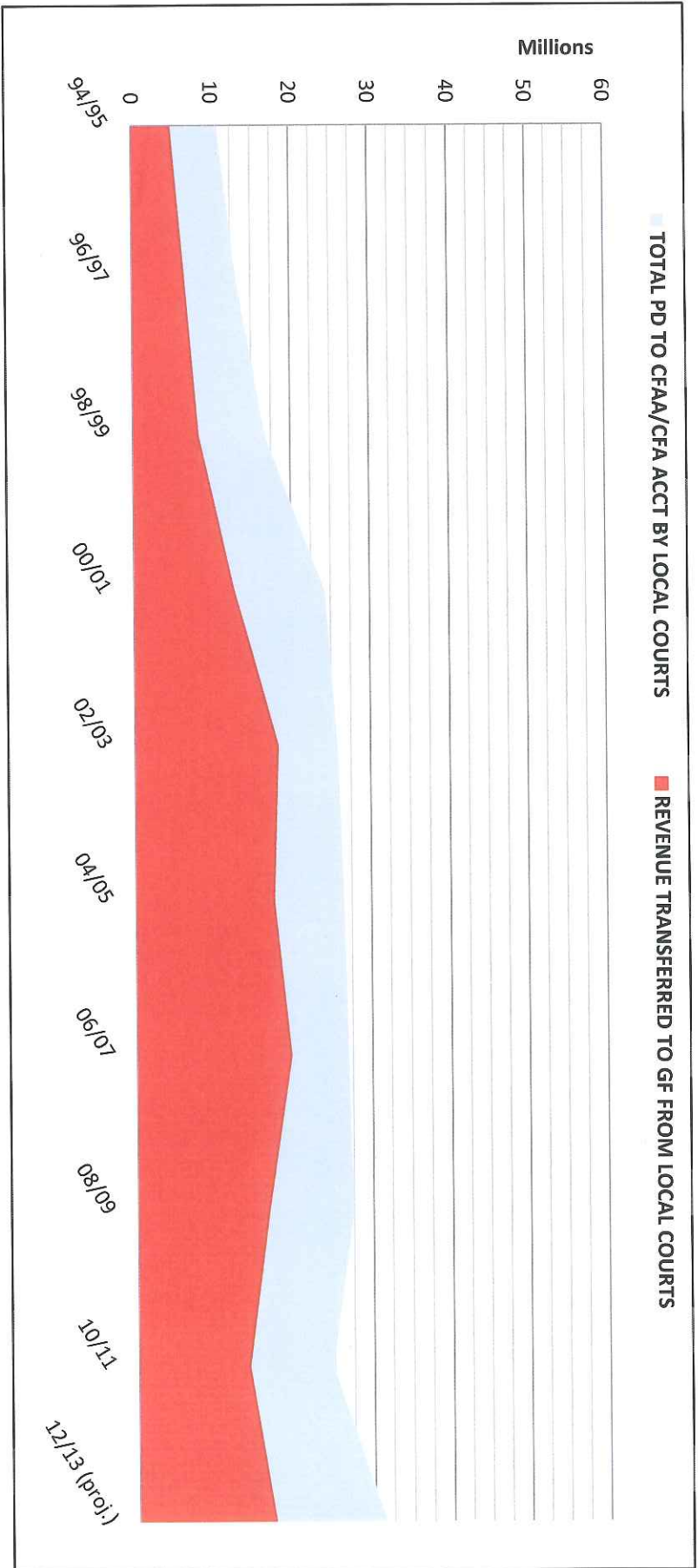
(a) Shall withhold and deposit in the State Treasury to the credit of the Law Enforcement Medical Liability Account the following amounts:

- (A) \$1, when the assessment is \$15 or \$18.
- (B) \$2, when the assessment is \$25 or \$30.
- (C) \$5, when the assessment is \$66.

(b) May withhold an amount equal to the reasonable costs incurred by the clerk in collection and distribution of the assessment.

(9) A city that lies in more than one county shall pay the assessments it collects to each county in proportion to the percent of the population of the city that resides in each county. [1991 c.778 §§4,5; 1993 c.14 §6; 1993 c.196 §1; 1993 c.637 §§13, 13a; 1999 c.1051 §254; 2003 c.687 §4; 2005 c.804 §6]

# LOCAL COURT PAYMENTS TO STATE ('95 Biennium - '13 Biennium)





**LOCAL COURT PAYMENTS TO STATE ('95 Biennium - '13 Biennium)**

BIENNIUM	TOTAL PD TO CFAA/CFA ACCT BY LOCAL COURTS	TOTAL PD TO CFAA/CFA ACCT BY CIRCUIT COURT	TOTAL PAYMENTS TO CFAA/CFA	% OF LOCAL COURT PAYMENTS TO CFA	REVENUE TRANSFERRED TO GENERAL FUND	REVENUE TRANSFERRED TO GENERAL FUND FROM LOCAL COURTS
94/95	\$10,908,775.91	\$45,064,726.42	\$55,973,502.33	45.05%	\$25,217,724.57	\$4,914,727.41
96/97	\$13,283,982.67	\$59,419,859.81	\$72,703,842.48	49.87%	\$36,254,050.04	\$6,624,108.93
98/99	\$16,786,645.45	\$71,736,714.06	\$88,523,359.51	49.12%	\$43,481,029.71	\$8,245,288.40
00/01	\$24,314,662.94	\$88,378,761.87	\$112,693,424.81	52.22%	\$58,845,462.81	\$12,696,460.30
02/03	\$25,873,546.14	\$79,853,306.85	\$105,726,852.99	70.21%	\$74,231,646.15	\$18,166,018.07
04/05	\$26,584,947.31	\$86,721,314.13	\$113,306,261.44	65.97%	\$74,752,586.98	\$17,539,132.97
06/07	\$27,043,593.09	\$95,243,855.14	\$122,287,448.23	72.65%	\$88,844,891.02	\$19,647,847.07
08/09	\$27,521,507.44	\$95,290,046.76	\$122,811,554.20	60.53%	\$74,342,446.51	\$16,659,802.15
10/11	\$24,847,171.97	\$85,500,178.66	\$110,347,350.63	56.47%	\$62,309,178.64	\$14,030,304.02
12/13 (proj.)	\$31,503,496.25	\$97,957,224.00	\$129,460,720.25	55.13%	\$71,378,119.25	\$17,369,440.77

	TOTAL PD TO CFAA/CFA ACCT BY LOCAL COURTS	REVENUE TRANSFERRED TO GF FROM LOCAL COURTS
94/95	\$10,908,775.91	\$4,914,727.41
96/97	\$13,283,982.67	\$6,624,108.93
98/99	\$16,786,645.45	\$8,245,288.40
00/01	\$24,314,662.94	\$12,696,460.30
02/03	\$25,873,546.14	\$18,166,018.07
04/05	\$26,584,947.31	\$17,539,132.97
06/07	\$27,043,593.09	\$19,647,847.07
08/09	\$27,521,507.44	\$16,659,802.15
10/11	\$24,847,171.97	\$14,030,304.02
12/13 (proj.)	\$31,503,496.25	\$17,369,440.77



**Court Survey**

Peggy Vernholm [peggy@chavesconsulting.com]

**Sent:** Tuesday, April 09, 2013 5:54 PM**To:** Lemhouse, Jad**Cc:** Richard T. Chaves [richard@chavesconsulting.com]

---

Judge Lemhouse,

We surveyed all of the MAJIC courts on how their tables are structured in order to determine which cases were misdemeanors and which were violations. The courts were very receptive to our information request. All but one of our courts responded; the court that didn't respond just recently closed. The total courts surveyed included 24 justice courts and 18 municipal courts. For the calendar year 2013 the data is up to and including 2/18/2013. Below is the data we were able to collect:

	MISD	VIOL
2008	3,232	97,675
2009	3,192	103,685
2010	3,153	97,351
2011	3,060	100,843
2012	2,435	93,142
2/18/2013	280	12,189
	15,352	504,885

We hope this data will be helpful to you. If there is anything else you may need, don't hesitate to contact us.

Regards,

Peggy

Peggy L. Vernholm  
Chaves Consulting, Inc.  
1650 Dewey Avenue  
Baker City, OR 97814  
1-800-435-4633







## JUSTICE COURT FILINGS

FYE	Jun-99	Jun-00	Jun-01	Jun-02	Jun-03	Jun-04	Jun-05	Jun-06	Jun-07	Jun-08	Jun-09	Jun-10	Jun-11	Jun-12	Jun-13
NO. OF COURTS	3	7	7	7	8	9	10	10	10	10	10	10	9	5	5
NO. OF VIOLATIONS FILED	3972	25464	30167	29664	39731	44802	57843	58879	62677	56838	56854	51240	41194	23847	10931
NO. OF CRIMES FILED	103	568	373	368	426	413	409	781	479	557	609	629	665	417	193
NO. OF CIVIL ACTIONS FILED						480	453	329	941	772	822	844	781	61	174
NO. OF FEDS FILED								909	10	91	217	185	163	171	155
NO. OF SMALL CLAIM ACTIONS FILED								907		321	337	363	287	122	283

## MUNICIPAL COURT FILINGS

FYE	Jun-99	Jun-00	Jun-01	Jun-02	Jun-03	Jun-04	Jun-05	Jun-06	Jun-07	Jun-08	Jun-09	Jun-10	Jun-11	Jun-12	Jun-13
NO. OF COURTS	6	9	10	13	13	15	20	27	38	42	46	46	40	5	5
NO. OF VIOLATIONS FILED	22423	30343	35791	53404	58725	67902	56828	67994	84338	88582	90583	37154	30924	19981	10931
NO. OF CRIMES FILED	2508	2932	3454	6765	6728	6985	6069	4586	7466	6757	11707	5237	4897	3154	193



**Linn County Courts Misdemeanor Filings**  
Calendar Years 2008-2011

<b>Court</b>	<b>Population</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>Total</b>	<b>% of Filings</b>
<b>Albany</b>	50,158	1,437	1,163	1,234	1,107	<b>4,941</b>	<b>33.2%</b>
<b>Lebanon</b>	15,518	357	420	412	795	<b>1,984</b>	<b>13.3%</b>
<b>Sweet Home</b>	8,925	328	248	204	236	<b>1,016</b>	<b>6.8%</b>
<b>Harrisburg</b>	3,567	86	85	34	32	<b>237</b>	<b>1.6%</b>
<b>Brownsville</b>	1,668	21	23	32	34	<b>110</b>	<b>0.7%</b>
<b>Circuit Court</b>	116,672	1,361	1,307	1,118	1,122	<b>4,908</b>	<b>32.9%</b>
<b>Justice Court</b>	116,672	442	446	441	381	<b>1710</b>	<b>11.5%</b>


Population in thousands from 2010 U.S. Census



THE  
HERMISTON  
MEMORANDA



MEMORANDUM

TO : Mayor and Council  
FROM : Ed   
DATE : 4/3/13  
SUBJ : Recommendation to contract with the Umatilla County District Attorney's Office for the prosecution of all City misdemeanor crimes

---

I am requesting your consideration of a significant change in the way we prosecute misdemeanor crimes in the City.

Specifically, I believe we could provide more comprehensive and effective crime prosecution by contracting for that function with the County District Attorney's Office.

First, I want to be clear that this in no way reflects on Gary's performance in his role as City Prosecutor over these past years. To the contrary, I believe he has always been diligent and aggressive while being mindful of the budgetary constraints we constantly deal with.

However, the costs associated with prosecution services in the Municipal Court have grown at an alarming rate over the past few years (right now my draft 2013-14 budget includes \$95,000 for prosecution services and \$95,000 for Public Defender costs). This is partially due to a rapid rise in the number of cases where the City must pay for a Public Defender to defend persons who cannot pay for their own legal counsel. It is also a function of Gary being called upon to perform an expanding number of activities pursuant to his duties as Prosecutor. He is basically working from a small, generalized practice platform in what is becoming more and more of a specialized and multi-service environment.

The District Attorney's Office is the other side of the same coin--all the attorneys and other staff in the DA's office do is-- prosecute crime. And they have the advantage of seeing any given offender's full criminal continuum--without the constraint of city borders or misdemeanor versus felony jurisdictional issues. They are, if you will, specialists.

It should be noted that as a matter of law the District Attorney is responsible for prosecuting misdemeanor offenses, period. We or any other city with a municipal court could simply tell the DA that henceforth we are going to cite all misdemeanor crimes (ie violations which are not traffic-related or violations of the City Code) into Circuit Court. By State law the DA would have to take responsibility for these cases.

The problem here, however, is resources and priorities--the DA lacks the manpower to devote sufficient time to most of these misdemeanor offenses because of the demands of prosecuting more serious crimes.

And here is where we have a win-win opportunity.

We are proposing to contract with District Attorney Dan Primus' office to handle all City misdemeanor crimes. However, we are also proposing to pay his office and the County \$85,000 to hire another full-time attorney to do our work.

We expect that the DA's office would be handling about 500 misdemeanor cases a year for us. In terms of an attorney's time, we believe that would amount to about 3/4 of a full-time person. However, again, we would not just be getting the services of a dedicated attorney, but also a fully-staffed office that handles the full-range of prosecutorial services.

And this is the real reason we believe this could lead to more effective criminal prosecution, including more comprehensive attention to chronic offenders, which translates to a safer community.

DA Primus, Jason and Gary will be available to discuss this Monday night.

I am not specifically asking for action on this Monday night, just a good discussion. And if you ultimately concur in our recommendation we would like to start fairly soon.

Also, we would like to change the one year term of the contract to three years. We believe we would need that long to properly evaluate the impacts of the change.

The goal here is more effective prosecution of crimes that are committed in our community. We cannot be sure that we will achieve that objective with this change, but I do believe there is enough prospective benefit to give it a try.

ATTACHMENTS:

- \* Memo from Jason
- \* Draft contract
- \* "Cost Considerations" comparison sheet

cc: Jason  
Gary





**Hermiston Police Department**  
330 S. 1st Street  
Hermiston, OR 97838-2360  
Phone (541) 567-5519 • Fax (541) 567-8469

---

To: City Manager Ed Brookshier  
From: Chief of Police Jason Edmiston  
Date: April 2<sup>nd</sup>, 2013  
Subject: Contracted Services with Umatilla County District Attorney's Office

Around October of 2011, I initiated some discussion with Umatilla County District Attorney Daniel Primus about the parameters in/with some of the frequent chronic offenders we were experiencing. Over the course of the next 14+ months, that initial conversation led to DA Primus engaging in similar discussions with other cities about things they were experiencing.

As you know, I have been very vocal about what I believe to be a "sick" or unhealthy criminal justice system as it seems a lack of holding these offenders truly accountable, is present at nearly all levels in the system (us included). Though we have taken steps to address some of these issues on our end, there is potential for us to assist even further.

The end result or potential I speak of is entering into an agreement for contracted services of all our crimes with the DA's office. Aside from any potential financial benefit to the city, I believe we will experience the following if we were to take this step:

- **A better picture or knowledge base of what a person's entire criminal activity is or has been.** Currently a person could be a repetitive offender at the misdemeanor level yet when that person commits a felony the DA's office may not know the progressive history. This impacts how the DA's office decides to handle that person. If the DA's office were handling all criminal activity of that person, the progression could be seen, and decisions could be made on how best to hold the person accountable.
- **Enhanced communication between our agency and the DA's office.** Inevitably an agreement such as this would strengthen the already existing open lines of communication between our agency and the DA's office. As the head law enforcement entity for our county, this agreement would provide DA Primus a clearer understanding of what trends may be taking place in our community and our county.
- **The district attorney's office has programs and resources available that we do not.** Currently the available resources needed to try and assist or move a person down a path of abstinence as it relates to criminal activity do not exist in our city. The large scale programs be it Drug Court, Victim's Advocacy, Parole and Probation, etc. are very expensive and would require an incredible amount of capital (personnel) to put together.

Rather than re-invent the wheel at an incredible expense, a contract with the DA's office would immediately make those resources available in our attempt to correct aberrant behavior.

- **Legal defense fees.** With all criminal activity (less traffic infractions and city code violations) being handled through the DA's office, the fees incurred for legal defense would fall upon the state, not the city. I am not in a position to estimate what this means financially, but I do believe there would be long-term cost savings.

I would like to say I firmly believe Gary Luisi has done an incredible job in his role as City Prosecutor with the resources made available to him. Though it would be difficult to see his office close, I think the long-term impacts and gains the city will experience, will justify it. Additionally, the increased accountability especially for those chronic offenders should (in theory) be enhanced by having the already mentioned resources available to steer a person down the right path.

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
UMATILLA COUNTY AND  
CITY OF HERMISTON  
CONCERNING  
MISDEMEANOR PROSECUTION

This agreement is between Umatilla County District Attorney and Umatilla County, Oregon ("District Attorney"), and the City of Hermiston ("City"), regarding prosecution of misdemeanor criminal matters committed within the boundary limits of City. The supervising representative for the District Attorney is Dan Primus, and for the City, \_\_\_\_\_.

I. RECITALS

1. As provided by ORS 221.339, the City of Hermiston has exercised its jurisdiction to prosecute misdemeanors committed or triable in the City, through its municipal court and prosecuted by the City Attorney.

2. The City has made the decision to cease filing misdemeanors in its municipal court, and instead to have these matters filed with and prosecuted by the District Attorney.

3. The District Attorney is willing to take responsibility for prosecution of the City misdemeanors.

4. The City is willing to pay to the District Attorney sufficient funds to cover the additional cost to the District Attorney's Office for prosecution of the City misdemeanors.

II. AGREEMENT

NOW THEREFORE, it is agreed by the parties as follows:

1. Beginning \_\_\_\_\_, 2013, the City will file its misdemeanors with the District Attorney for prosecution in the Umatilla County Circuit Court.

2. The District Attorney agrees to accept the misdemeanors for filing and will prosecute these cases to the same extent as misdemeanors for other areas of Umatilla County.

3. The City agrees to pay to the District Attorney the sum of \$85,000 per year to assist in the costs associated with the additional caseload of the District Attorney resulting from the prosecution of the City misdemeanors.

4. For the period from the date of this agreement to June 30, 2013, the City will pay the prorated amount to the District Attorney within 15 days of the signing of this agreement.

5. For the period July 1, 2013 to June 30, 2014, the City will pay \$85,000 by August 1, 2013.

6. Any action taken by the District Attorney for the prosecution of City misdemeanors under this agreement will be at the expense and the liability of the District Attorney.

7. This Agreement is effective as the date of this agreement until June 30, 2014, or until terminated. Either party may terminate this Agreement by giving sixty days advance written notice of its intent to terminate, such notice being provided in person or by certified mail. Any funds paid and not utilized (based on a daily rate of \$233) will be refunded.

8. Both parties to this Agreement are responsible for the acts, errors, omissions and negligence of its own officers, employees, or agents and each will indemnify and hold harmless the other party with regard to all damages and claims resulting from the actions of its officers, employees, or agents to the extent allowed and limited by the Oregon Constitution and Oregon law.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013.

DISTRICT ATTORNEY

CITY OF HERMISTON

\_\_\_\_\_  
Daniel R. Primus

UMATILLA COUNTY

\_\_\_\_\_  
W. Lawrence Givens, Chair  
Board of Commissioners

ATTEST:  
Office of County Records

ATTEST:

---

Records Officer

---

City Recorder

**PROSECUTION OF CITY MISDEMEANORS  
BY THE UMATILLA COUNTY DISTRICT ATTORNEY'S OFFICE**

*COST CONSIDERATIONS*

SAVINGS:

*	Public Defender (reduced to 20% of '13-14 budget):	\$76,000
*	City Prosecutor (reduced to 20% of '13-14 budget):	76,000
*	Court (elimination of PT position):	<u>28,000</u>
	Total:	\$180,000

COSTS:

*	Loss of 25% of Court Revenues:	\$100,000
*	Contract with DA's Office:	85,000
*	Additional Police OT:	<u>10,000</u>
	Total:	\$195,000

NET COST:

+/- \$15,000

## Traffic Offense Distribution Repealed by HB 2712

**153.630 Disposition of moneys collected by courts.** (1) Costs and one-half of all fines collected in traffic offense cases by any court having jurisdiction of the traffic offense shall be paid as follows:

(a) If collected in a circuit court, to be credited and distributed under ORS 137.293 and 137.295, as a monetary obligation payable to the state.

(b) If collected in a justice court, to be credited and distributed under ORS 137.293 and 137.295 to the treasurer of the county in which the offense occurred, as a monetary obligation payable to the county.

(c) If collected in a municipal court, to be credited and distributed under ORS 137.293 and 137.295 to the city treasurer, as a monetary obligation payable to the city.

(2) The other half of such fines shall be paid as follows:

(a) If resulting from prosecutions initiated by or from arrests or complaints made by a member of the Oregon State Police, to be credited and distributed under ORS 137.293 and 137.295, as a monetary obligation payable to the state.

(b) If resulting from prosecutions initiated by or from arrests or complaints made by a motor carrier enforcement officer, to be credited and distributed under ORS 137.293 and 137.295, as a monetary obligation payable to the state.

(c) If resulting from prosecutions initiated by or from arrests or complaints made by a city police officer, including a city marshal or a member of the police of a city or municipal or quasi-municipal corporation, to be credited and distributed under ORS 137.293 and 137.295:

(A) To the treasurer of the city or municipal or quasi-municipal corporation by which such police officer is employed, as a monetary obligation to that political subdivision of the state if the offense occurred within the boundaries of the city or municipal or quasi-municipal corporation;  
or

(B) As a monetary obligation payable to the state if the offense occurred outside the boundaries of the city or municipal or quasi-municipal corporation.

(d) If resulting from prosecutions initiated by or from arrests or complaints made by a sheriff, deputy sheriff or county weighmaster, to be credited and distributed under ORS 137.293 and 137.295 to the treasurer of the county in which the offense occurred, as a monetary obligation payable to that county and to be credited to the general fund of that county.

(e) If resulting from prosecutions for parking in a winter recreation parking location, to be credited and distributed under ORS 137.293 and 137.295, as a monetary obligation payable to the state.

(f) In other cases, to be credited and distributed under ORS 137.293 and 137.295, as a monetary obligation to the same entity to which payment is made of the half provided for in subsection (1) of this section.

(3) If provisions of subsection (2)(b) or (e) of this section are applicable, and if the fine or penalty imposed is remitted, suspended or stayed, or the offender against whom the fine or penalty was levied or imposed serves time in jail in lieu of paying the fine or penalty or a part thereof, the committing judge or magistrate shall certify the facts thereof in writing to the State Court Administrator in the case of a circuit court or the Department of Revenue in the case of a justice or municipal court not later than the 10th day of the month next following the month in which the fine was remitted or penalty suspended. If any part of the fine is thereafter paid, it shall

be remitted to the judge or magistrate who imposed the fine or penalty, who shall distribute it as provided in subsections (1) and (2) of this section.

(4) If a fine is subject to division between two entities under this section and a sentence to pay a fine is imposed by the court, any remittance, suspension or stay of the fine portion of the sentence must be attributed on an equal basis to both of the entities entitled to a share of the fine.

(5) Distribution of fines and costs collected in a justice or municipal court under this section must be made not later than the last day of the month immediately following the month in which the fines and costs are collected.

(6) All fines collected as a result of citations issued for a violation of ORS 813.095 and credited and distributed to the state under subsections (1)(a) and (2)(a) of this section shall be deposited in the State Police Account established in ORS 181.175 to be used by the Department of State Police for the enforcement of laws concerning driving while under the influence of intoxicants. [Formerly 484.250; 1981 s.s. c.3 §107; 1983 c.164 §1; 1983 c.763 §47; 1985 c.16 §452; 1987 c.905 §17; 1991 c.67 §31; 1993 c.741 §102; 1999 c.1051 §81; 1999 c.1095 §7; 2003 c.301 §1; 2003 c.687 §5; 2003 c.814 §5; 2009 c.614 §3]



## Traffic Offense Distribution Enacted by HB 2712

**153.633 Distribution to state.** (1) In any criminal action in which a fine is imposed, the lesser of the following amounts is payable to the state before any other distribution of the fine is made:

- (a) \$60; or
- (b) The amount of the fine if the fine is less than \$60.

(2) A justice or municipal court shall forward the amount prescribed under subsection (1) of this section to the Department of Revenue for deposit in the Criminal Fine Account. [2011 c.597 §6b]

**153.635** [Formerly 484.260; 1989 c.934 §1; repealed by 2011 c.597 §118]

**153.640 Disposition of fines for traffic offenses; circuit court.** (1) If a circuit court enters a judgment of conviction for a traffic offense, the full amount of the fine imposed under the judgment is payable to the state if the conviction resulted from a prosecution arising out of an arrest or complaint made by an officer of the Oregon State Police or by any other enforcement officer employed by state government, as defined in ORS 174.111.

(2) If a circuit court enters a judgment of conviction for a traffic offense and the conviction resulted from a prosecution arising out of an arrest or complaint made by a sheriff, deputy sheriff, city police officer or any other enforcement officer employed by a local government, as defined in ORS 174.116:

(a) The amount prescribed by ORS 153.633 (1) is payable to the state and must be deposited in the Criminal Fine Account;

(b) One-half of the amount remaining after any payment required by paragraph (a) of this subsection is payable to the local government that employs the enforcement officer; and

(c) One-half of the amount remaining after any payment required by paragraph (a) of this subsection is payable to the state. [2011 c.597 §47]

**153.645 Disposition of fines for traffic offenses; justice court.** (1) If a justice court enters a judgment of conviction for a traffic offense and the conviction resulted from a prosecution arising out of an arrest or complaint made by an officer of the Oregon State Police or by any other enforcement officer employed by state government, as defined in ORS 174.111:

(a) The amount prescribed by ORS 153.633 (1) is payable to the state and must be forwarded to the Department of Revenue for deposit in the Criminal Fine Account;

(b) One-half of the amount remaining after any payment required by paragraph (a) of this subsection is payable to the county in which the justice court is located; and

(c) One-half of the amount remaining after any payment required by paragraph (a) of this subsection is payable to the state.

(2) If a justice court enters a judgment of conviction for a traffic offense and the conviction resulted from a prosecution arising out of an arrest or complaint made by a sheriff, deputy sheriff or any other enforcement officer employed by the county:

(a) The amount prescribed by ORS 153.633 (1) is payable to the state and must be forwarded to the Department of Revenue for deposit in the Criminal Fine Account; and

(b) The remaining amount of the fine is payable to the county in which the court is located.

(3) If a justice court enters a judgment of conviction for a traffic offense and the conviction resulted from a prosecution arising out of an arrest or complaint made by an enforcement officer

employed by any other local government, as defined in ORS 174.116:

(a) The amount prescribed by ORS 153.633 (1) is payable to the state and must be forwarded to the Department of Revenue for deposit in the Criminal Fine Account;

(b) One-half of the amount remaining after any payment required by paragraph (a) of this subsection is payable to the local government that employs the enforcement officer; and

(c) One-half of the amount remaining after any payment required by paragraph (a) of this subsection is payable to the county in which the court is located. [2011 c.597 §48]

**153.650 Disposition of fines for traffic offenses; municipal court.** (1) If a municipal court enters a judgment of conviction for a traffic offense and the conviction resulted from a prosecution arising out of an arrest or complaint made by an officer of the Oregon State Police or by any other enforcement officer employed by state government, as defined in ORS 174.111:

(a) The amount prescribed by ORS 153.633 (1) is payable to the state and must be forwarded to the Department of Revenue for deposit in the Criminal Fine Account;

(b) One-half of the amount remaining after any payment required by paragraph (a) of this subsection is payable to the city in which the municipal court is located; and

(c) One-half of the amount remaining after any payment required by paragraph (a) of this subsection is payable to the state.

(2) If a municipal court enters a judgment of conviction for a traffic offense and the conviction resulted from a prosecution arising out of an arrest or complaint made by a city police officer or any other enforcement officer employed by the city:

(a) The amount prescribed by ORS 153.633 (1) is payable to the state and must be forwarded to the Department of Revenue for deposit in the Criminal Fine Account; and

(b) The remaining amount of the fine is payable to the city in which the court is located.

(3) If a municipal court enters a judgment of conviction for a traffic offense and the conviction resulted from a prosecution arising out of an arrest or complaint made by an enforcement officer employed by any other local government, as defined in ORS 174.116:

(a) The amount prescribed by ORS 153.633 (1) is payable to the state and must be forwarded to the Department of Revenue for deposit in the Criminal Fine Account;

(b) One-half of the amount remaining after any payment required by paragraph (a) of this subsection is payable to the local government that employs the enforcement officer; and

(c) One-half of the amount remaining after any payment required by paragraph (a) of this subsection is payable to the city in which the court is located. [2011 c.597 §49]

**153.675 Transfer of amounts payable to state.** (1) Amounts payable to the state under ORS 153.633, 153.645 and 153.650 shall be transferred by the court to the Department of Revenue for distribution as provided in ORS 305.830. Amounts payable to a local government under ORS 153.640 to 153.680 shall be deposited by the court in the local government's general fund and are available for general governmental purposes.

(2) Justice and municipal courts must make the transfer required by subsection (1) of this section under ORS 153.633, 153.645 and 153.650 not later than the last day of the month immediately following the month in which a payment on a judgment is received by the court. [2011 c.597 §50]

## Priority Scheme Enacted by HB 2712

**137.289 Priorities for application of payments on judgments in criminal actions.** (1) There are five levels of priority for application of payments on judgments of conviction in criminal actions, with Level I obligations having the highest priority and Level V having the lowest priority. All payments on a judgment of conviction in a criminal action shall be applied first against the unpaid obligations in the level with highest priority until those obligations have been paid in full, and shall then be applied against the obligations in the level with the next highest level of priority, until all obligations under the judgment have been paid in full.

(2) Except as provided in ORS 137.292, if there is more than one person or public body to whom an obligation is payable under a level, the court shall divide each payment based on each person's or public body's proportionate share of the total amount of obligations in that level. [2011 c.597 §33]

**137.290** [1987 c.905 §1; 1991 c.460 §14; 1993 c.33 §300; 1993 c.637 §1; 1993 c.770 §§1,3; 1995 c.555 §1; 1997 c.872 §27; 1999 c.1051 §127; 1999 c.1056 §1d; 1999 c.1095 §6; 2003 c.737 §112; 2003 c.819 §11; 2005 c.843 §21; 2007 c.899 §§1,2; repealed by 2011 c.597 §118]

**137.291 Level I obligations.** Compensatory fines under ORS 137.101 are Level I obligations. [2011 c.597 §34]

**137.292 Level II obligations.** (1) There are two types of Level II obligations:

(a) Type 1 obligations include awards of restitution as defined in ORS 137.103, awards of restitution under ORS 419C.450 and money awards made under ORS 811.706.

(b) Type 2 obligations include all fines and other monetary obligations payable to the state for which the law does not expressly provide other disposition, including fines payable to the state by justice and municipal courts under ORS 153.633, 153.645 and 153.650.

(2) If a judgment contains both types of Level II obligations, the court shall apply 50 percent of amounts creditable to Level II obligations to Type 1 obligations and 50 percent of the amounts to Type 2 obligations, until all obligations in one of the two types have been paid in full. All subsequent amounts creditable to Level II obligations shall be applied against the other type of obligations until those obligations have been paid in full.

(3) If there is more than one person for whose benefit a Type 1 money award has been made, the clerk shall pay the moneys credited to Type 1 obligations in the following order of priority:

(a) If the judgment contains a money award payable to the person or persons against whom the defendant committed the offense, the clerk shall first pay all moneys credited to Type 1 obligations to those persons, and shall continue to do so until all those obligations are paid in full. If there is more than one person to whom an obligation is payable under this paragraph, the court shall divide each payment under this paragraph based on each person's proportionate share of the total amount of obligations subject to payment under this paragraph.

(b) If the judgment contains a money award payable to the Criminal Injuries Compensation Account, the clerk shall thereafter transfer moneys credited to Type 1 obligations to the account until the award is paid in full.

(c) If the judgment contains a money award payable to any other victims, as defined in ORS 137.103, the clerk shall thereafter pay the moneys credited to Type 1 obligations to those victims until those victims are paid in full. [2011 c.597 §35]

**137.293** [1987 c.905 §2; 2011 c.597 §123; renumbered 137.288 in 2011]

**137.294 Level III obligations.** Level III obligations are fines payable to a county or city. [2011 c.597 §36]

**137.295** [1987 c.905 §3; 1991 c.460 §13; 1993 c.33 §301; 1995 c.782 §3; 1997 c.761 §10; 1999 c.1051 §128; 1999 c.1064 §1; 2001 c.823 §§22,23; 2003 c.687 §§2,3; 2005 c.564 §§4,5; 2007 c.626 §2; 2007 c.899 §§3,4; repealed by 2011 c.597 §118]

**137.296 Level IV obligations.** Level IV obligations are amounts that the law expressly directs be paid to a specific account or public body as defined in ORS 174.109. [2011 c.597 §37]

**137.297 Level V obligations.** Level V obligations are amounts payable for reward reimbursement under ORS 131.897. [2011 c.597 §38]

**Note:** Section 39, chapter 597, Oregon Laws 2011, provides:

**Sec. 39.** Sections 33 to 38 of this 2011 Act [137.289 to 137.297] and the repeal of ORS 137.295 by section 118 of this 2011 Act apply to all payments on judgments of conviction of an offense, without regard to whether the offense was committed before, on or after January 1, 2012. [2011 c.597 §39]

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

(2) Except as otherwise provided by law, the maximum fine for a violation committed by an individual is:

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

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

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

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

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

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

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

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

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

(d) \$500 for a Class D violation. [1999 c.1051 §6; 2003 c.737 §103; 2011 c.597 §7]

**153.019 Presumptive fines; generally.** (1) Except as provided in ORS 153.020, the presumptive fines for violations are:

(a) \$435 for a Class A violation.

(b) \$260 for a Class B violation.

(c) \$160 for a Class C violation.

(d) \$110 for a Class D violation.

(2) The presumptive fine for a specific fine violation is:

(a) The amount specified by statute as the presumptive fine for the violation; or

(b) An amount equal to the greater of 20 percent of the maximum fine prescribed for the violation, or the minimum fine prescribed by statute for the violation. [2011 c.597 §2]

**153.020 Presumptive fines; highway work zones, school zones and safety corridors.** (1) If an individual is charged with a traffic violation, as defined in ORS 801.557, and the enforcement officer issuing the citation notes on the citation that the offense occurred in a highway work zone and is subject to the provisions of ORS 811.230, occurred in a posted school zone and is subject to the provisions of ORS 811.235, or occurred in a safety corridor and is subject to the provisions of ORS 811.483, the presumptive fine for the violation is:

(a) \$870 for a Class A violation.

(b) \$520 for a Class B violation.

(c) \$320 for a Class C violation.

(d) \$220 for a Class D violation.

(2) The presumptive fine for a specific fine violation that is subject to this section is an amount equal to twice the presumptive fine determined for the violation under ORS 153.019 (2). [2011 c.597 §3]



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

- (a) \$220 for a Class A violation.
- (b) \$130 for a Class B violation.
- (c) \$80 for a Class C violation.
- (d) \$60 for a Class D violation.

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

(3) This section does not affect the manner in which a court imposes or reduces monetary obligations other than fines.

(4) The Department of Revenue or Secretary of State may audit any court to determine whether the court is complying with the requirements of this section. In addition, the Department of Revenue or Secretary of State may audit any court to determine whether the court is complying with the requirements of ORS 137.289 to 137.297 and 153.640 to 153.680. The Department of Revenue or Secretary of State may file an action under ORS 34.105 to 34.240 to enforce the requirements of this section and of ORS 137.289 to 137.297 and 153.640 to 153.680. [2011 c.597 §4]

**153.061 Appearance by defendant.** (1) Except as provided in subsections (2) and (3) of this section, a defendant who has been issued a violation citation must either:

(a) Make a first appearance by personally appearing in court at the time indicated in the summons; or

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

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

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

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

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

(b) The defendant may enter a plea of no contest by delivering to the court the summons and a check or money order in the amount of the presumptive fine set forth in the summons. The entry of a plea under the provisions of this paragraph constitutes a waiver of trial and consent to the entry of a judgment forfeiting the presumptive fine. A no contest plea under this section is not subject to the requirements of ORS chapter 135 relating to the entry of pleas and, upon receipt of the plea, the court may enter judgment against the defendant without taking further evidence.





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

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

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

(8) If a defendant fails to make a first appearance on a citation for a traffic violation, as defined by ORS 801.557, fails to make a first appearance on a citation for a violation of ORS 471.430, or fails to appear at any other subsequent time set for trial or other appearance, the driving privileges of the defendant are subject to suspension under ORS 809.220. [1999 c.1051 §17; 2001 c.817 §2; 2007 c.784 §5; 2011 c.597 §§25,313]

