

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

REVENUE: May have revenue impact, statement not yet issued

FISCAL: May have fiscal impact, statement not yet issued

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Channa Newell, Counsel

Meeting Dates: 4/7

WHAT THE MEASURE DOES: Prohibits court from ordering any fee in criminal cases, and parties from charging or collecting fee from other parties to case, unless expressly authorized by law.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: Proposed (-1) amendments replace measure. Prohibits prosecuting attorney for charging defendant fee for performing duties associated with processing fingerprints for order to set aside conviction or record of arrest.

BACKGROUND: Oregon Revised Statute 137.225 outlines the steps for a defendant to have a conviction set aside or the record of arrest set aside. The steps include sending a full set of defendant’s fingerprints to the office of the prosecuting attorney, who forwards the prints to the State Police. The defendant pays a \$80 fee to the State Police. There have been reports of some offices charging an additional fee for processing fingerprints.

SB 363 prohibits courts and parties to a proceeding from charging or collecting a fee unless expressly authorized by law.