

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3168 - 1

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

***Only Impacts on Original or Engrossed
Versions are Considered Official***

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Measure Description:

Authorizes court to waive previously imposed criminal fine if defendant demonstrates completion of drug treatment program.

Government Unit(s) Affected:

District Attorneys and their Deputies, Judicial Department, Public Defense Services Commission

Summary of Expenditure Impact: See Analysis

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

The measure authorizes the court to waive any unpaid portion of a criminal fine if the defendant is able to establish a financial hardship that prevents the defendant from completing a drug treatment program that was required as part of the condition of supervision. The measure stipulates that any moneys received in payment of the fine shall be applied to other monetary obligations of the defendant.

Currently, the courts can waive all or part of a criminal fine if the defendant can show hardship on the defendant or immediate family. This measure would expand that to include where payment of the fine would interfere with the ability of the defendant to complete the drug treatment program.

The Judicial Department's costs of implementing the measure are anticipated to be minimal. The fiscal impact is indeterminate, however, because the impact of the measure on criminal fine revenues is unknown. The number of cases where defendants must complete a drug treatment program or where criminal fines are likely to be waived is unknown. Moneys collected for these purposes are paid into the Criminal Fine Account (CFA). A portion of CFA revenues are used to fund a number of programs throughout the state, and the remainder is transferred to the General Fund. A reduction to the amount of monies collected into this account will have an impact on the funding available for state agency programs.