

## HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4093

By JOINT COMMITTEE ON WAYS AND MEANS

February 26

1 On page 1 of the printed A-engrossed bill, line 2, delete “and 153.640” and insert “, 153.640,  
2 153.675 and 221.315”.

3 On page 2, delete lines 7 and 8 and insert:

4 “(4) Except as provided in ORS 153.640 and 221.315, the surcharge shall be levied fully if any  
5 fine is imposed.”.

6 On page 3, delete lines 14 through 31 and insert:

7 “**SECTION 5.** ORS 153.640 is amended to read:

8 “153.640. (1) If a circuit court enters a judgment of conviction for a traffic offense, the full  
9 amount of the fine imposed under the judgment is payable to the state if the conviction resulted from  
10 a prosecution arising out of an arrest or complaint made by an officer of the Oregon State Police  
11 or by any other enforcement officer employed by state government, as defined in ORS 174.111.

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

16 “[a] (A) The amount prescribed by ORS 153.633 (1) is payable to the state and must be depos-  
17 ited in the Criminal Fine Account;

18 “[b] (B) **Subject to paragraph (b) of this subsection**, one-half of the amount remaining after  
19 any payment required by *[paragraph (a) of this subsection]* **subparagraph (A) of this paragraph** is  
20 payable to the local government that employs the enforcement officer; and

21 “[c] (C) **Subject to paragraph (b) of this subsection**, one-half of the amount remaining after  
22 any payment required by *[paragraph (a) of this subsection]* **subparagraph (A) of this paragraph** is  
23 payable to the state.

24 “(b) **If the full amount of the fine imposed by a circuit court is collected and a surcharge**  
25 **imposed under section 1 of this 2016 Act is part of the presumptive fine as provided in ORS**  
26 **153.019 or 153.020, the last \$5 of the amount collected shall be paid to the county for deposit**  
27 **in the county’s courthouse surcharge account established under section 2 of this 2016 Act.**  
28 **If the full amount of the fine imposed is not collected, the \$5 payment required by this par-**  
29 **agraph shall be reduced by one dollar for every dollar of the fine that is not collected.**

30 “**SECTION 6.** ORS 221.315 is amended to read:

31 “221.315. (1) Prosecution of violations of the charter or ordinances of a city in circuit or justice  
32 court shall be by the city attorney and in the name of such city. An agreement may be made be-  
33 tween any city and, on behalf of the state, the presiding judge for the judicial district in which all  
34 or part of such city is located, that such violations be prosecuted for such city in the circuit court  
35 by the district attorney in the name of the State of Oregon. An agreement may be made, pursuant

1 to ORS 190.010, between any city and the county in which all or part of such city is located, that  
2 such violations be prosecuted for such city in the justice court by the district attorney in the name  
3 of the State of Oregon.

4 “(2) Except as otherwise provided by an agreement made under subsection (1) of this section in  
5 respect to the court, all fines collected by the circuit or justice court having jurisdiction of a vio-  
6 lation of a city charter or ordinance shall be paid as follows:

7 “(a) **Subject to subsection (3) of this section**, one-half of the fine shall be credited and dis-  
8 tributed to the treasurer of the city whose charter or ordinance was violated, as a monetary obli-  
9 gation payable to the city.

10 “(b) If collected by the circuit court, **and subject to subsection (3) of this section**, one-half  
11 of the fine shall be credited and distributed as a monetary obligation payable to the state.

12 “(c) If collected by the justice court, one-half of the fine shall be credited and distributed to the  
13 treasurer of the county in which the court is located as a monetary obligation payable to the county.

14 “**(3) If the full amount of the fine imposed by a circuit court under this section is col-  
15 lected and a surcharge is imposed on the fine under section 1 of this 2016 Act, the last \$5  
16 of the amount collected shall be paid to the county for deposit in the county’s courthouse  
17 surcharge account established under section 2 of this 2016 Act. If the full amount of the fine  
18 imposed is not collected, the \$5 payment required by this subsection shall be reduced by one  
19 dollar for every dollar of the fine that is not collected.**

20 “**SECTION 7.** ORS 153.675 is amended to read:

21 “153.675. (1) Amounts payable to the state under ORS 153.633, 153.645 and 153.650 shall be  
22 transferred by the court to the Department of Revenue for distribution as provided in ORS 305.830.  
23 **Except as provided in ORS 153.640 (2)(b)**, amounts payable to a local government under ORS  
24 153.640 to 153.680 shall be deposited by the court in the local government’s general fund and are  
25 available for general governmental purposes.

26 “(2) Justice and municipal courts must make the transfer required by subsection (1) of this sec-  
27 tion under ORS 153.633, 153.645 and 153.650 not later than the last day of the month immediately  
28 following the month in which a payment on a judgment is received by the court.”.

29 In line 32, delete “6” and insert “8”.