

House Bill 4093

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Consumer Protection and Government Effectiveness for Multnomah County)

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**.

Authorizes board of commissioners of county that has legislative authorization to receive certain funds for construction or capital improvements to courthouse to impose surcharge on certain civil court fees.

Authorizes presiding judge of judicial district for county that has legislative authorization to receive certain funds for construction or capital improvements to courthouse to impose surcharge on certain fines for deposit in county account dedicated to construction or capital improvements to courthouse.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to courthouses; creating new provisions; amending ORS 221.315 and 221.357 and section 64,
3 chapter 723, Oregon Laws 2013; and declaring an emergency.

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

5 **SECTION 1. (1) A county may impose a surcharge on circuit court fees under ORS 21.010**
6 **(3), 21.135, 21.145, 21.155, 21.160, 21.165, 21.170, 21.180, 21.225, 21.235, 46.570, 105.130 and 106.120**
7 **if the county has legislative authorization to receive funds for a county courthouse from the**
8 **Oregon Courthouse Capital Construction and Improvement Fund established in section 64,**
9 **chapter 723, Oregon Laws 2013, and for which debt service is owed.**

10 **(2) The surcharge shall be set by the board of county commissioners, in consultation with**
11 **the presiding judge for the judicial district in which the county is located, but the surcharge**
12 **may not exceed 15 percent of the applicable fee.**

13 **(3) The surcharge shall be collected by the circuit court for the county and must be:**

14 **(a) Transferred to the Oregon Courthouse Capital Construction and Improvement Fund**
15 **and used solely to finance costs related to the courthouse in the county imposing the sur-**
16 **charge; or**

17 **(b) Used solely for construction of, or capital improvements to, the courthouse in the**
18 **county imposing the surcharge.**

19 **SECTION 2. Section 64, chapter 723, Oregon Laws 2013, is amended to read:**

20 **Sec. 64. (1) The Oregon Courthouse Capital Construction and Improvement Fund is established**
21 **in the State Treasury, separate and distinct from the General Fund. Interest earned on moneys in**
22 **the Oregon Courthouse Capital Construction and Improvement Fund shall be credited to the fund.**

23 **(2) The fund consists of moneys deposited in the fund pursuant to section 8, chapter 705, Oregon**
24 **Laws 2013, and section 1 of this 2016 Act and moneys transferred to the fund by a county pursuant**
25 **to section 9 (1)(b), chapter 705, Oregon Laws 2013[, and]. Moneys deposited or transferred under**
26 **this subsection may include fees, surcharges, revenues and other moneys appropriated by the**
27 **Legislative Assembly for deposit in the fund.**

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 (3) Moneys in the fund are continuously appropriated to the Judicial Department for:

2 (a) The purposes described in section 8 (3), chapter 705, Oregon Laws 2013;

3 (b) Payment of the costs incurred by the department to administer the fund; and

4 (c) Payment of bond-related costs, as defined in ORS 286A.816.

5 **SECTION 3.** (1) As used in this section, “offense” means:

6 (a) A violation of a parking ordinance;

7 (b) A traffic offense as defined in ORS 801.555; or

8 (c) A boating violation listed in ORS 830.990 (1).

9 (2) Notwithstanding ORS 137.143, the circuit court for a county may impose a surcharge
10 on each fine assessed for an offense if:

11 (a) The county has legislative authorization to receive funds for a county courthouse
12 from the Oregon Courthouse Capital Construction and Improvement Fund established in
13 section 64, chapter 723, Oregon Laws 2013, and for which debt service is owed;

14 (b) Debt service is owed on any revenue bonds issued under ORS chapter 287A to finance
15 construction of, or capital improvements to, the courthouse; and

16 (c) The circuit court adjudicates offenses for a special district or regional government,
17 or for a city under ORS 3.136, 221.315 or 221.357.

18 (3) The surcharge shall be set by order of the presiding judge of the judicial district in
19 which the county is located, in consultation with the Chief Justice of the Supreme Court, but
20 the surcharge may not exceed \$5.

21 (4) The surcharge shall be levied fully if any fine is imposed, and shall be collected from
22 the first amounts paid on the fine.

23 (5) The surcharge shall be deposited in a county account dedicated solely for construction
24 of or capital improvements to the courthouse in the county imposing the surcharge or for
25 payment of debt service and related expenses for revenue bonds issued under ORS chapter
26 287A to finance construction of or capital improvements to the courthouse.

27 **SECTION 4.** ORS 221.315 is amended to read:

28 221.315. (1) Prosecution of violations of the charter or ordinances of a city in circuit or justice
29 court shall be by the city attorney and in the name of such city. An agreement may be made be-
30 tween any city and, on behalf of the state, the presiding judge for the judicial district in which all
31 or part of such city is located, that such violations be prosecuted for such city in the circuit court
32 by the district attorney in the name of the State of Oregon. An agreement may be made, pursuant
33 to ORS 190.010, between any city and the county in which all or part of such city is located, that
34 such violations be prosecuted for such city in the justice court by the district attorney in the name
35 of the State of Oregon.

36 (2) Except as otherwise provided by **section 3 of this 2016 Act** or an agreement made under
37 subsection (1) of this section in respect to the court, all fines collected by the circuit or justice court
38 having jurisdiction of a violation of a city charter or ordinance shall be paid as follows:

39 (a) One-half of the fine shall be credited and distributed to the treasurer of the city whose
40 charter or ordinance was violated, as a monetary obligation payable to the city.

41 (b) If collected by the circuit court, one-half of the fine shall be credited and distributed as a
42 monetary obligation payable to the state.

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

45 **SECTION 5.** ORS 221.357 is amended to read:

1 221.357. (1) A city having a population of 300,000 or less may enter into an agreement with the
2 State Court Administrator for the provision of judicial services by the circuit court for the county
3 in which the city is located.

4 (2) A circuit court providing services to a city under an agreement entered into under sub-
5 section (1) of this section shall have all judicial jurisdiction, authority, powers, functions and duties
6 of the municipal court of the city and the municipal court judges with respect to any violations of
7 the charter or ordinances of the city.

8 (3) **Except as provided by section 3 of this 2016 Act and** unless an agreement entered into
9 under subsection (1) of this section provides otherwise, and subject to the provisions of ORS 153.640
10 to 153.680, all fines, costs and forfeited security deposits collected shall be paid to the city, and the
11 city shall reimburse the circuit court providing judicial services for expenses incurred under the
12 agreement.

13 (4) The exercise of jurisdiction under an agreement entered into under subsection (1) of this
14 section by a circuit court judge shall not constitute the holding of more than one office.

15 **SECTION 6. Sections 1 and 3 of this 2016 Act apply only to fees and fines collected on**
16 **and after the effective date of this 2016 Act.**

17 **SECTION 7. This 2016 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect**
19 **on its passage.**

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