

Requested by Representative BARKER

**PROPOSED AMENDMENTS TO
HOUSE BILL 4093**

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest
2 of the line and delete line 3 and insert “amending ORS 153.019, 153.020 and
3 153.640; and declaring an emergency.”.

4 Delete lines 5 through 27 and delete pages 2 and 3 and insert:

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

6 **“(a) A violation of a parking ordinance; or**

7 **“(b) A traffic offense as defined in ORS 801.555 (2).**

8 **“(2) Notwithstanding ORS 137.143, the presiding judge of the judicial**
9 **district in which a county is located may order that the circuit court**
10 **for the county impose a surcharge in the amount of \$5 on each fine**
11 **assessed for an offense in the county if:**

12 **“(a) The county has received funds, or has legislative authorization**
13 **to receive funds, for a county courthouse from the proceeds of bonds**
14 **issued pursuant to Article XI-Q of the Oregon Constitution deposited**
15 **in the Oregon Courthouse Capital Construction and Improvement**
16 **Fund established in section 64, chapter 723, Oregon Laws 2013;**

17 **“(b) Debt service is owed on any Article XI-Q bonds issued related**
18 **to the county courthouse;**

19 **“(c) Debt service is owed on any bonds issued under ORS 271.390 or**
20 **ORS chapter 287A to finance capital costs of the courthouse project for**
21 **which bonds are or will be issued under section 8, chapter 705, Oregon**

1 **Laws 2013, in the county imposing the surcharge;**

2 **“(d) The board of county commissioners has requested that the**
3 **presiding judge of the judicial district in which the county is located**
4 **order the imposition of a surcharge and has identified the purposes for**
5 **which the surcharge funds would be used; and**

6 **“(e) The Chief Justice of the Supreme Court has approved the sur-**
7 **charge.**

8 **“(3) The circuit court for the county may not impose a surcharge**
9 **under this section unless, before July 1 of the calendar year preceding**
10 **the imposition of the surcharge, the court submits to the State Court**
11 **Administrator a copy of the order imposing the surcharge. The court**
12 **may begin imposing the surcharge on fines for offenses occurring on**
13 **and after January 1 of the calendar year following submission of the**
14 **order to the State Court Administrator.**

15 **“(4) The surcharge shall be levied fully if any fine is imposed and**
16 **shall be collected from the first amounts paid on the fine for each of-**
17 **fense.**

18 **“(5) The surcharge shall be collected by the circuit court for the**
19 **county and paid to the county for deposit in the account established**
20 **under section 2 of this 2016 Act and used solely for:**

21 **“(a) Payment of capital costs of the courthouse project for which**
22 **bonds are or will be issued under section 8, chapter 705, Oregon Laws**
23 **2013, in the county imposing the surcharge; or**

24 **“(b) Payment of debt service and related expenses and funding of**
25 **debt service reserves, if any, for bonds issued under ORS 271.390 or**
26 **ORS chapter 287A to finance capital costs of the courthouse project for**
27 **which bonds are or will be issued under section 8, chapter 705, Oregon**
28 **Laws 2013, in the county imposing the surcharge.**

29 **“SECTION 2. (1) The county treasurer shall deposit moneys received**
30 **from surcharges imposed under section 1 of this 2016 Act in a court-**

1 **house surcharge account maintained by the county treasurer.**

2 **“(2) The moneys in the courthouse surcharge account and interest**
3 **upon the account are reserved for the purposes of:**

4 **“(a) Payment of capital costs of the courthouse project for which**
5 **bonds are or will be issued under section 8, chapter 705, Oregon Laws**
6 **2013, in the county imposing the surcharge; or**

7 **“(b) Payment of debt service and related expenses and funding of**
8 **debt service reserves, if any, for bonds issued under ORS 271.390 or**
9 **ORS chapter 287A to finance capital costs of the courthouse project for**
10 **which bonds are or will be issued under section 8, chapter 705, Oregon**
11 **Laws 2013, in the county imposing the surcharge.**

12 **“(3) The county treasurer may charge against the courthouse sur-**
13 **charge account an administrative fee for the actual costs associated**
14 **with maintaining the account. The total administrative fees charged**
15 **each year may not exceed five percent of the moneys received from**
16 **surcharges imposed under section 1 of this 2016 Act for that year.**

17 **“SECTION 3. ORS 153.019 is amended to read:**

18 **“153.019. (1) Except as provided in ORS 153.020, the presumptive fines for**
19 **violations are:**

20 **“(a) \$435 for a Class A violation.**

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

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

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

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

25 **“(a) The amount specified by statute as the presumptive fine for the vio-**
26 **lation; or**

27 **“(b) An amount equal to the greater of 20 percent of the maximum fine**
28 **prescribed for the violation, or the minimum fine prescribed by statute for**
29 **the violation.**

30 **“(3) Any surcharge imposed under section 1 of this 2016 Act shall**

1 **be added to and made a part of the presumptive fine.**

2 **“SECTION 4.** ORS 153.020 is amended to read:

3 “153.020. (1) If a person is charged with a traffic violation, as defined in
4 ORS 801.557, and the enforcement officer issuing the citation notes on the
5 citation that the offense occurred in a highway work zone and is subject to
6 the provisions of ORS 811.230, occurred in a posted school zone and is subject
7 to the provisions of ORS 811.235, or occurred in a safety corridor and is
8 subject to the provisions of ORS 811.483, the presumptive fine for the vio-
9 lation is:

10 “[1] (a) \$870 for a Class A violation.

11 “[2] (b) \$520 for a Class B violation.

12 “[3] (c) \$320 for a Class C violation.

13 “[4] (d) \$220 for a Class D violation.

14 **“(2) Any surcharge imposed under section 1 of this 2016 Act shall**
15 **be added to and made a part of the presumptive fine.**

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

17 “153.640. (1) If a circuit court enters a judgment of conviction for a traffic
18 offense, the full amount of the fine imposed under the judgment is payable
19 to the state if the conviction resulted from a prosecution arising out of an
20 arrest or complaint made by an officer of the Oregon State Police or by any
21 other enforcement officer employed by state government, as defined in ORS
22 174.111.

23 “(2) If a circuit court enters a judgment of conviction for a traffic offense
24 and the conviction resulted from a prosecution arising out of an arrest or
25 complaint made by a sheriff, deputy sheriff, city police officer or any other
26 enforcement officer employed by a local government, as defined in ORS
27 174.116:

28 **“(a) Any surcharge imposed under section 1 of this 2016 Act is pay-**
29 **able to the county;**

30 **“(b) Out of the amount remaining after any payment required by**

1 **paragraph (a) of this subsection**, the amount prescribed by ORS 153.633
2 (1) is payable to the state and must be deposited in the Criminal Fine Ac-
3 count;

4 “[*(b)*] **(c)** One-half of the amount remaining after any [*payment required*
5 *by paragraph (a)*] **payments required by paragraphs (a) and (b)** of this
6 subsection is payable to the local government that employs the enforcement
7 officer; and

8 “[*(c)*] **(d)** One-half of the amount remaining after any [*payment required*
9 *by paragraph (a)*] **payments required by paragraphs (a) and (b)** of this
10 subsection is payable to the state.

11 **“SECTION 6. This 2016 Act being necessary for the immediate**
12 **preservation of the public peace, health and safety, an emergency is**
13 **declared to exist, and this 2016 Act takes effect on its passage.”.**

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