

Requested by Representative BARKER

**PROPOSED AMENDMENTS TO
HOUSE BILL 4093**

1 On page 1 of the printed bill, line 2, after “provisions;” insert “and” and
2 after “ORS” insert “153.051,”.

3 In line 3, delete “; and declaring an emergency”.

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

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

12 **“(2) The surcharge shall be set by the board of county commis-**
13 **sioners, in consultation with the presiding judge for the judicial dis-**
14 **trict in which the county is located. The surcharge must be a**
15 **percentage of the fee but may not exceed 15 percent of the fee and**
16 **must be applied equally to all fees under ORS 21.010 (3), 21.135, 21.145,**
17 **21.155, 21.160, 21.165, 21.170, 21.180, 21.225, 21.235, 46.570, 105.130 and**
18 **106.120.**

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

21 **“(a) Transferred to the Oregon Courthouse Capital Construction**

1 **and Improvement Fund and used solely to finance costs related to the**
2 **courthouse in the county imposing the surcharge; or**

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

5 **“SECTION 2. Section 1 of this 2016 Act applies only to fees imposed**
6 **on and after the board of county commissioners sets a surcharge as**
7 **described in section 1 (2) of this 2016 Act.**

8 **“SECTION 3. Section 64, chapter 723, Oregon Laws 2013, is amended to**
9 **read:**

10 **“Sec. 64.** (1) The Oregon Courthouse Capital Construction and Improve-
11 ment Fund is established in the State Treasury, separate and distinct from
12 the General Fund. Interest earned on moneys in the Oregon Courthouse
13 Capital Construction and Improvement Fund shall be credited to the fund.

14 **“(2) The fund consists of moneys deposited in the fund pursuant to section**
15 **8, chapter 705, Oregon Laws 2013, and section 1 of this 2016 Act and mon-**
16 **eys transferred to the fund by a county pursuant to section 9 (1)(b), chapter**
17 **705, Oregon Laws 2013[, and]. Moneys deposited or transferred under this**
18 **subsection may include fees, surcharges, revenues and other moneys ap-**
19 **propriated by the Legislative Assembly for deposit in the fund.**

20 **“(3) Moneys in the fund are continuously appropriated to the Judicial**
21 **Department for:**

22 **“(a) The purposes described in section 8 (3), chapter 705, Oregon Laws**
23 **2013;**

24 **“(b) Payment of the costs incurred by the department to administer the**
25 **fund; and**

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

27 **“SECTION 4. (1) As used in this section, ‘offense’ means:**

28 **“(a) A violation of a parking ordinance;**

29 **“(b) A traffic offense as defined in ORS 801.555; or**

30 **“(c) A boating violation listed in ORS 830.990 (1).**

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

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

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

10 **“(c) The circuit court adjudicates offenses for a special district or**
11 **regional government, or for a city under ORS 3.136, 221.315 or 221.357.**

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

16 **“(4) The surcharge is not subject to the provisions of ORS 153.633**
17 **or 153.640 to 153.680.**

18 **“(5) The surcharge shall be levied fully if any fine is imposed, and**
19 **shall be collected from the first amounts paid on the fine.**

20 **“(6) The surcharge shall be deposited in a county account dedicated**
21 **solely for construction of or capital improvements to the courthouse**
22 **or its ancillary facilities in the county imposing the surcharge or for**
23 **payment of debt service and related expenses for revenue bonds issued**
24 **under ORS chapter 287A to finance construction of or capital im-**
25 **provements to the courthouse.**

26 **“SECTION 5. Section 4 of this 2016 Act applies only to fines imposed**
27 **on and after the presiding judge of the judicial district in which the**
28 **county is located sets a surcharge by order as described in section 4**
29 **(3) of this 2016 Act.**

30 **“SECTION 6. ORS 153.051 is amended to read:**

1 “153.051. A summons in a violation citation is sufficient if it contains the
2 following:

3 “(1) The name of the court, the name of the person cited, the date on
4 which the citation was issued, the name of the enforcement officer issuing
5 the citation, and the time and place at which the person cited is to appear
6 in court.

7 “(2) A statement or designation of the violation that can be readily un-
8 derstood by a person making a reasonable effort to do so and the date, time
9 and place at which the violation is alleged to have been committed.

10 “(3) A notice to the person cited that a complaint will be filed with the
11 court based on the violation.

12 “(4)(a) The amount of the presumptive fine, if any, fixed for the violation.

13 “(b) **The amount of the surcharge, if any, imposed under section 4**
14 **of this 2016 Act.**

15 “(5) A statement notifying the person that a monetary judgment may be
16 entered against the person for up to the maximum amount of fines,
17 restitution and other costs allowed by law for the violation if the person fails
18 to make all required appearances at the proceedings.

19 “(6) A statement notifying the person that, if the person pleads no contest
20 and delivers to the court the amount of the presumptive fine indicated on the
21 citation, and the court accepts the plea, the amount of the fine imposed
22 against the defendant may not exceed the amount of the presumptive fine
23 indicated on the citation.

24 “(7) A statement notifying the person that, if the person pleads no contest
25 and delivers to the court the amount of the presumptive fine indicated on the
26 citation:

27 “(a) The person may submit an explanation of the circumstances of the
28 violation; and

29 “(b) The court may consider the explanation in establishing the amount
30 of the fine, but in no event can the court impose a fine that is less than the

1 minimum fine established under ORS 153.021.

2 “(8) A statement notifying the person that, if the person pleads not guilty
3 and requests a trial, the court cannot impose a fine that is less than the
4 minimum fine established under ORS 153.021 unless the person is found not
5 guilty, in which case no fine will be imposed.

6 **“SECTION 7.** ORS 221.315 is amended to read:

7 “221.315. (1) Prosecution of violations of the charter or ordinances of a
8 city in circuit or justice court shall be by the city attorney and in the name
9 of such city. An agreement may be made between any city and, on behalf of
10 the state, the presiding judge for the judicial district in which all or part
11 of such city is located, that such violations be prosecuted for such city in
12 the circuit court by the district attorney in the name of the State of Oregon.
13 An agreement may be made, pursuant to ORS 190.010, between any city and
14 the county in which all or part of such city is located, that such violations
15 be prosecuted for such city in the justice court by the district attorney in
16 the name of the State of Oregon.

17 “(2) Except as otherwise provided by **section 4 of this 2016 Act** or an
18 agreement made under subsection (1) of this section in respect to the court,
19 all fines collected by the circuit or justice court having jurisdiction of a vi-
20 olation of a city charter or ordinance shall be paid as follows:

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

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

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

29 **“SECTION 8.** ORS 221.357 is amended to read:

30 “221.357. (1) A city having a population of 300,000 or less may enter into

1 an agreement with the State Court Administrator for the provision of judi-
2 cial services by the circuit court for the county in which the city is located.

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

8 “(3) **Except as provided by section 4 of this 2016 Act and** unless an
9 agreement entered into under subsection (1) of this section provides other-
10 wise, and subject to the provisions of ORS 153.640 to 153.680, all fines, costs
11 and forfeited security deposits collected shall be paid to the city, and the city
12 shall reimburse the circuit court providing judicial services for expenses in-
13 curred under the agreement.

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

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