

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 “and amending ORS 153.019, 153.020
3 and 153.640.”.

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 the imposition of a**
10 **surcharge on each fine assessed for an offense in the county if:**

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

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

18 **“(c) Debt service is owed on any bonds issued under ORS 271.390 or**
19 **ORS chapter 287A to finance capital costs of replacing or remodeling**
20 **the county courthouse;**

21 **“(d) The board of county commissioners has requested that the**

1 presiding judge of the judicial district in which the county is located
2 impose a surcharge, has suggested the amount of the surcharge and
3 has identified the purposes for which the surcharge funds would be
4 used; and

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

7 “(3) The surcharge shall be collected by the circuit court for the
8 county.

9 “(4) The surcharge may not exceed \$5 per fine and must be applied
10 equally to all fines assessed for offenses.

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

18 “(6) The surcharge shall be levied fully if any fine is imposed and
19 shall be collected from the first amounts paid on the fine for each of-
20 fense.

21 “(7) The surcharge shall be used solely for:

22 “(a) Payment of capital costs of the courthouse project for which
23 bonds are or will be issued under section 8, chapter 705, Oregon Laws
24 2013, in the county imposing the surcharge; or

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

30 “SECTION 2. ORS 153.019 is amended to read:

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

3 “(a) \$435 for a Class A violation.

4 “(b) \$260 for a Class B violation.

5 “(c) \$160 for a Class C violation.

6 “(d) \$110 for a Class D violation.

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

8 “(a) The amount specified by statute as the presumptive fine for the vio-
9 lation; or

10 “(b) An amount equal to the greater of 20 percent of the maximum fine
11 prescribed for the violation, or the minimum fine prescribed by statute for
12 the violation.

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

15 “SECTION 3. ORS 153.020 is amended to read:

16 “153.020. (1) If a person is charged with a traffic violation, as defined in
17 ORS 801.557, and the enforcement officer issuing the citation notes on the
18 citation that the offense occurred in a highway work zone and is subject to
19 the provisions of ORS 811.230, occurred in a posted school zone and is subject
20 to the provisions of ORS 811.235, or occurred in a safety corridor and is
21 subject to the provisions of ORS 811.483, the presumptive fine for the vio-
22 lation is:

23 “[1] (a) \$870 for a Class A violation.

24 “[2] (b) \$520 for a Class B violation.

25 “[3] (c) \$320 for a Class C violation.

26 “[4] (d) \$220 for a Class D violation.

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

29 “SECTION 4. ORS 153.640 is amended to read:

30 “153.640. (1) If a circuit court enters a judgment of conviction for a traffic

1 offense, the full amount of the fine imposed under the judgment is payable
2 to the state if the conviction resulted from a prosecution arising out of an
3 arrest or complaint made by an officer of the Oregon State Police or by any
4 other enforcement officer employed by state government, as defined in ORS
5 174.111.

6 “(2) If a circuit court enters a judgment of conviction for a traffic offense
7 and the conviction resulted from a prosecution arising out of an arrest or
8 complaint made by a sheriff, deputy sheriff, city police officer or any other
9 enforcement officer employed by a local government, as defined in ORS
10 174.116:

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

13 “(b) **Out of the amount remaining after any payment required by**
14 **paragraph (a) of this subsection,** the amount prescribed by ORS 153.633
15 (1) is payable to the state and must be deposited in the Criminal Fine Ac-
16 count;

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

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

24
