

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 4093**

1 On page 1 of the printed A-engrossed bill, line 2, delete “and 153.640” and
2 insert “, 153.640, 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
5 be levied fully if any 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
9 offense, the full amount of the fine imposed under the judgment is payable
10 to the state if the conviction resulted from a prosecution arising out of an
11 arrest or complaint made by an officer of the Oregon State Police or by any
12 other enforcement officer employed by state government, as defined in ORS
13 174.111.

14 “(2)(a) If a circuit court enters a judgment of conviction for a traffic of-
15 fense and the conviction resulted from a prosecution arising out of an arrest
16 or complaint made by a sheriff, deputy sheriff, city police officer or any other
17 enforcement officer employed by a local government, as defined in ORS
18 174.116:

19 “[a] (A) The amount prescribed by ORS 153.633 (1) is payable to the
20 state and must be deposited in the Criminal Fine Account;

21 “[b] (B) **Subject to paragraph (b) of this subsection**, one-half of the

1 amount remaining after any payment required by [*paragraph (a) of this sub-*
2 *section*] **subparagraph (A) of this paragraph** is payable to the local gov-
3 ernment that employs the enforcement officer; and

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

7 **“(b) If the full amount of the fine imposed by a circuit court is**
8 **collected and a surcharge imposed under section 1 of this 2016 Act is**
9 **part of the presumptive fine as provided in ORS 153.019 or 153.020, the**
10 **last \$5 of the amount collected shall be paid to the county for deposit**
11 **in the county’s courthouse surcharge account established under sec-**
12 **tion 2 of this 2016 Act. If the full amount of the fine imposed is not**
13 **collected, the \$5 payment required by this paragraph shall be reduced**
14 **by one dollar for every dollar of the fine that is not collected.**

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

16 “221.315. (1) Prosecution of violations of the charter or ordinances of a
17 city in circuit or justice court shall be by the city attorney and in the name
18 of such city. An agreement may be made between any city and, on behalf of
19 the state, the presiding judge for the judicial district in which all or part
20 of such city is located, that such violations be prosecuted for such city in
21 the circuit court by the district attorney in the name of the State of Oregon.
22 An agreement may be made, pursuant to ORS 190.010, between any city and
23 the county in which all or part of such city is located, that such violations
24 be prosecuted for such city in the justice court by the district attorney in
25 the name of the State of Oregon.

26 “(2) Except as otherwise provided by an agreement made under subsection
27 (1) of this section in respect to the court, all fines collected by the circuit
28 or justice court having jurisdiction of a violation of a city charter or ordi-
29 nance shall be paid as follows:

30 **“(a) Subject to subsection (3) of this section**, one-half of the fine shall

1 be credited and distributed to the treasurer of the city whose charter or or-
2 dinance was violated, as a monetary obligation payable to the city.

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

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

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

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

18 “153.675. (1) Amounts payable to the state under ORS 153.633, 153.645 and
19 153.650 shall be transferred by the court to the Department of Revenue for
20 distribution as provided in ORS 305.830. **Except as provided in ORS 153.640**
21 **(2)(b)**, amounts payable to a local government under ORS 153.640 to 153.680
22 shall be deposited by the court in the local government’s general fund and
23 are available for general governmental purposes.

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

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

29