

A-Engrossed
House Bill 2797

Ordered by the House April 24
Including House Amendments dated April 24

Sponsored by COMMITTEE ON JUDICIARY

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.

[Directs Oregon Criminal Justice Commission to study effect of fines on recidivism rate and report results to interim committees of Legislative Assembly related to judiciary on or before February 1, 2019.]

Increases presumptive fine for violations, including traffic violations occurring in certain locations. Increases minimum fine for violations subject to presumptive fine. Increases amount of fine imposed in criminal action payable to state.

Provides for allocations from Criminal Fine Account to State Court Technology Fund.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to fines; creating new provisions; amending ORS 1.012, 137.300, 153.019, 153.020, 153.021 and
3 153.633; and declaring an emergency.

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

5 **SECTION 1.** ORS 153.019, as amended by section 3, chapter 78, Oregon Laws 2016, is amended
6 to read:

7 153.019. (1) Except as provided in ORS 153.020, the presumptive fines for violations are:

8 (a) [~~\$435~~] **\$440** for a Class A violation.

9 (b) [~~\$260~~] **\$265** for a Class B violation.

10 (c) [~~\$160~~] **\$165** for a Class C violation.

11 (d) [~~\$110~~] **\$115** for a Class D violation.

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

13 (a) The amount specified by statute as the presumptive fine for the violation; or

14 (b) An amount equal to the greater of 20 percent of the maximum fine prescribed for the vio-
15 lation, or the minimum fine prescribed by statute for the violation.

16 (3) Any surcharge imposed under section 1, chapter 78, Oregon Laws 2016, shall be added to and
17 made a part of the presumptive fine.

18 **SECTION 2.** ORS 153.020, as amended by section 4, chapter 78, Oregon Laws 2016, is amended
19 to read:

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

25 (a) [~~\$870~~] **\$875** for a Class A violation.

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 (b) [~~\$520~~] **\$525** for a Class B violation.

2 (c) [~~\$320~~] **\$325** for a Class C violation.

3 (d) [~~\$220~~] **\$225** for a Class D violation.

4 (2) Any surcharge imposed under section 1, chapter 78, Oregon Laws 2016, shall be added to and
5 made a part of the presumptive fine.

6 **SECTION 3.** ORS 153.021 is amended to read:

7 153.021. (1) Except as otherwise provided by law, a court may not defer, waive, suspend or oth-
8 erwise reduce the fine for a violation that is subject to the presumptive fines established by ORS
9 153.019 (1) or 153.020 to an amount that is less than:

10 (a) [~~\$220~~] **\$225** for a Class A violation.

11 (b) [~~\$130~~] **\$135** for a Class B violation.

12 (c) [~~\$80~~] **\$85** for a Class C violation.

13 (d) [~~\$60~~] **\$65** for a Class D violation.

14 (2) Except as otherwise provided by law, a court may not defer, waive, suspend or otherwise
15 reduce the fine for a specific fine violation to an amount that is less than 20 percent of the
16 presumptive fine for the violation.

17 (3) This section does not affect the manner in which a court imposes or reduces monetary obli-
18 gations other than fines.

19 (4) The Department of Revenue or Secretary of State may audit any court to determine whether
20 the court is complying with the requirements of this section. In addition, the Department of Revenue
21 or Secretary of State may audit any court to determine whether the court is complying with the
22 requirements of ORS 137.145 to 137.159 and 153.640 to 153.680. The Department of Revenue or Sec-
23 retary of State may file an action under ORS 34.105 to 34.240 to enforce the requirements of this
24 section and of ORS 137.145 to 137.159 and 153.640 to 153.680.

25 **SECTION 4.** ORS 153.633 is amended to read:

26 153.633. (1) In any criminal action in a circuit court in which a fine is imposed, the lesser of the
27 following amounts is payable to the state before any other distribution of the fine is made:

28 (a) [~~\$60~~] **\$65**; or

29 (b) The amount of the fine if the fine is less than [~~\$60~~] **\$65**.

30 (2) In any criminal action in a justice or municipal court in which a fine is imposed, the lesser
31 of the following amounts is payable to the state before any other distribution of the fine is made:

32 (a) [~~\$45~~] **\$50**; or

33 (b) The amount of the fine if the fine is less than [~~\$45~~] **\$50**.

34 (3) A justice or municipal court shall forward the amount prescribed under subsection (2) of this
35 section to the Department of Revenue for deposit in the Criminal Fine Account.

36 (4) The provisions of subsection (2) of this section do not apply to fines imposed in justice and
37 municipal courts under ORS 811.590, 814.485, 814.486, 814.534, 814.536, 814.600 or 830.990 (1).

38 **SECTION 5.** ORS 137.300 is amended to read:

39 137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise
40 provided by law, all amounts collected in state courts as monetary obligations in criminal actions
41 shall be deposited by the courts in the account. All moneys in the account are continuously appro-
42 priated to the Department of Revenue to be distributed by the Department of Revenue as provided
43 in this section. The Department of Revenue shall keep a record of moneys transferred into and out
44 of the account.

45 (2) The Legislative Assembly shall first allocate moneys from the Criminal Fine Account for the

1 following purposes, in the following order of priority:

2 (a) Allocations for public safety standards, training and facilities.

3 (b) Allocations for criminal injuries compensation and assistance to victims of crime and chil-
4 dren reasonably suspected of being victims of crime.

5 (c) Allocations for the forensic services provided by the Oregon State Police, including, but not
6 limited to, services of the State Medical Examiner.

7 (d) Allocations for the maintenance and operation of the Law Enforcement Data System.

8 (3) After making allocations under subsection (2) of this section, the Legislative Assembly shall
9 allocate moneys from the Criminal Fine Account for the following purposes:

10 (a) Allocations to the Law Enforcement Medical Liability Account established under ORS
11 414.815.

12 (b) Allocations to the State Court Facilities and Security Account established under ORS 1.178.

13 (c) Allocations to the Department of Corrections for the purpose of planning, operating and
14 maintaining county juvenile and adult corrections programs and facilities and drug and alcohol
15 programs.

16 (d) Allocations to the Oregon Health Authority for the purpose of grants under ORS 430.345 for
17 the establishment, operation and maintenance of alcohol and drug abuse prevention, early inter-
18 vention and treatment services provided through a county.

19 (e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws relat-
20 ing to driving under the influence of intoxicants.

21 (f) Allocations to the Arrest and Return Account established under ORS 133.865.

22 (g) Allocations to the Intoxicated Driver Program Fund established under ORS 813.270.

23 **(h) Allocations to the State Court Technology Fund established under ORS 1.012.**

24 (4) It is the intent of the Legislative Assembly that allocations from the Criminal Fine Account
25 under subsection (3) of this section be consistent with historical funding of the entities, programs
26 and accounts listed in subsection (3) of this section from monetary obligations imposed in criminal
27 proceedings. Amounts that are allocated under subsection (3)(c) of this section shall be distributed
28 to counties based on the amounts that were transferred to counties by circuit courts during the
29 2009-2011 biennium under the provisions of ORS 137.308, as in effect January 1, 2011.

30 (5) Moneys in the Criminal Fine Account may not be allocated for the payment of debt service
31 obligations.

32 (6) The Department of Revenue shall deposit in the General Fund all moneys remaining in the
33 Criminal Fine Account after the distributions listed in subsections (2) and (3) of this section have
34 been made.

35 (7) The Department of Revenue shall establish by rule a process for distributing moneys in the
36 Criminal Fine Account. The department may not distribute more than one-eighth of the total
37 biennial allocation to an entity during a calendar quarter.

38 **SECTION 6.** ORS 1.012 is amended to read:

39 1.012. (1) The State Court Technology Fund is established in the State Treasury, separate and
40 distinct from the General Fund. Interest earned by the State Court Technology Fund shall be
41 credited to the fund.

42 (2) All fees received on and after July 1, 2013, for the use of the Oregon Judicial Case Infor-
43 mation Network under ORS 1.002 (6) and for the use of other state court electronic applications and
44 systems shall be deposited into the fund.

45 (3) The fund consists of the moneys deposited into the fund under subsection (2) of this section

1 [and], the moneys deposited into the fund under ORS 21.006 **and the moneys allocated to the fund**
2 **under ORS 137.300.**

3 (4) Moneys in the fund are continuously appropriated to the Judicial Department for the pur-
4 poses of:

5 (a) Developing, maintaining and supporting state court electronic applications, services and
6 systems and for providing access to and use of those applications, services and systems; and

7 (b) Providing electronic service and filing services.

8 **SECTION 7. The amendments to ORS 153.019, 153.020, 153.021 and 153.633 by sections 1**
9 **to 4 of this 2017 Act apply to offenses committed on or after January 1, 2018.**

10 **SECTION 8. This 2017 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
12 **on its passage.**

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