

## HOUSE AMENDMENTS TO HOUSE BILL 2797

By COMMITTEE ON JUDICIARY

April 24

1 In line 2 of the printed bill, after “fines” insert “; creating new provisions; amending ORS 1.012,  
2 137.300, 153.019, 153.020, 153.021 and 153.633; and declaring an emergency”.

3 Delete lines 4 through 7 and insert:

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

6 “153.019. (1) Except as provided in ORS 153.020, the presumptive fines for violations are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 “**SECTION 3.** ORS 153.021 is amended to read:

31 “153.021. (1) Except as otherwise provided by law, a court may not defer, waive, suspend or  
32 otherwise reduce the fine for a violation that is subject to the presumptive fines established by ORS  
33 153.019 (1) or 153.020 to an amount that is less than:

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

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

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

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

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

6 “(3) This section does not affect the manner in which a court imposes or reduces monetary ob-  
7 ligations other than fines.

8 “(4) The Department of Revenue or Secretary of State may audit any court to determine whether  
9 the court is complying with the requirements of this section. In addition, the Department of Revenue  
10 or Secretary of State may audit any court to determine whether the court is complying with the  
11 requirements of ORS 137.145 to 137.159 and 153.640 to 153.680. The Department of Revenue or Sec-  
12 retary of State may file an action under ORS 34.105 to 34.240 to enforce the requirements of this  
13 section and of ORS 137.145 to 137.159 and 153.640 to 153.680.

14 “**SECTION 4.** ORS 153.633 is amended to read:

15 “153.633. (1) In any criminal action in a circuit court in which a fine is imposed, the lesser of  
16 the following amounts is payable to the state before any other distribution of the fine is made:

17 “(a) [~~\$60~~] **\$65**; or

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

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

21 “(a) [~~\$45~~] **\$50**; or

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

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

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

27 “**SECTION 5.** ORS 137.300 is amended to read:

28 “137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise  
29 provided by law, all amounts collected in state courts as monetary obligations in criminal actions  
30 shall be deposited by the courts in the account. All moneys in the account are continuously appro-  
31 priated to the Department of Revenue to be distributed by the Department of Revenue as provided  
32 in this section. The Department of Revenue shall keep a record of moneys transferred into and out  
33 of the account.

34 “(2) The Legislative Assembly shall first allocate moneys from the Criminal Fine Account for  
35 the following purposes, in the following order of priority:

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

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

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

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

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

44 “(a) Allocations to the Law Enforcement Medical Liability Account established under ORS  
45 414.815.

1       “(b) Allocations to the State Court Facilities and Security Account established under ORS 1.178.  
2       “(c) Allocations to the Department of Corrections for the purpose of planning, operating and  
3 maintaining county juvenile and adult corrections programs and facilities and drug and alcohol  
4 programs.  
5       “(d) Allocations to the Oregon Health Authority for the purpose of grants under ORS 430.345  
6 for the establishment, operation and maintenance of alcohol and drug abuse prevention, early  
7 intervention and treatment services provided through a county.  
8       “(e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws re-  
9 lating to driving under the influence of intoxicants.  
10       “(f) Allocations to the Arrest and Return Account established under ORS 133.865.  
11       “(g) Allocations to the Intoxicated Driver Program Fund established under ORS 813.270.  
12       **“(h) Allocations to the State Court Technology Fund established under ORS 1.012.**  
13       “(4) It is the intent of the Legislative Assembly that allocations from the Criminal Fine Account  
14 under subsection (3) of this section be consistent with historical funding of the entities, programs  
15 and accounts listed in subsection (3) of this section from monetary obligations imposed in criminal  
16 proceedings. Amounts that are allocated under subsection (3)(c) of this section shall be distributed  
17 to counties based on the amounts that were transferred to counties by circuit courts during the  
18 2009-2011 biennium under the provisions of ORS 137.308, as in effect January 1, 2011.  
19       “(5) Moneys in the Criminal Fine Account may not be allocated for the payment of debt service  
20 obligations.  
21       “(6) The Department of Revenue shall deposit in the General Fund all moneys remaining in the  
22 Criminal Fine Account after the distributions listed in subsections (2) and (3) of this section have  
23 been made.  
24       “(7) The Department of Revenue shall establish by rule a process for distributing moneys in the  
25 Criminal Fine Account. The department may not distribute more than one-eighth of the total  
26 biennial allocation to an entity during a calendar quarter.  
27       **“SECTION 6. ORS 1.012 is amended to read:**  
28       **“1.012. (1) The State Court Technology Fund is established in the State Treasury, separate and**  
29 **distinct from the General Fund. Interest earned by the State Court Technology Fund shall be cred-**  
30 **ited to the fund.**  
31       “(2) All fees received on and after July 1, 2013, for the use of the Oregon Judicial Case Infor-  
32 mation Network under ORS 1.002 (6) and for the use of other state court electronic applications and  
33 systems shall be deposited into the fund.  
34       “(3) The fund consists of the moneys deposited into the fund under subsection (2) of this section  
35 [and], the moneys deposited into the fund under ORS 21.006 **and the moneys allocated to the fund**  
36 **under ORS 137.300.**  
37       “(4) Moneys in the fund are continuously appropriated to the Judicial Department for the pur-  
38 poses of:  
39       “(a) Developing, maintaining and supporting state court electronic applications, services and  
40 systems and for providing access to and use of those applications, services and systems; and  
41       “(b) Providing electronic service and filing services.  
42       **“SECTION 7. The amendments to ORS 153.019, 153.020, 153.021 and 153.633 by sections 1**  
43 **to 4 of this 2017 Act apply to offenses committed on or after January 1, 2018.**  
44       **“SECTION 8. This 2017 Act being necessary for the immediate preservation of the public**  
45 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**

1 **on its passage.”**

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