

# Enrolled House Bill 2997

Sponsored by Representative SMITH G

CHAPTER .....

AN ACT

Relating to fines for violation of compulsory attendance laws; creating new provisions; and amending ORS 153.633, 153.675 and 305.830.

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

**SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 153.**

**SECTION 2. (1) If a court enters a judgment of conviction for violation of ORS 339.020 or the requirements of ORS 339.035, amounts collected under the judgment are payable as follows:**

**(a) One-half of the amount is payable to the school district or the education service district that employs the person who issued the citation under ORS 339.095; and**

**(b) One-half of the amount is payable as provided in subsection (2) of this section.**

**(2)(a) If a judgment of conviction that is subject to subsection (1) of this section is entered in circuit court, the amount specified in subsection (1)(b) of this section shall be paid to the state.**

**(b) If a judgment of conviction that is subject to subsection (1) of this section is entered in justice court, the amount specified in subsection (1)(b) of this section shall be paid to the county that established the court.**

**(c) If a judgment of conviction that is subject to subsection (1) of this section is entered in municipal court, the amount specified in subsection (1)(b) of this section shall be paid to the city that established the court.**

**SECTION 3. Section 2 of this 2017 Act applies to amounts collected on or after the effective date of this 2017 Act.**

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

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

**(a) \$60; or**

**(b) The amount of the fine if the fine is less than \$60.**

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

**(a) \$45; or**

**(b) The amount of the fine if the fine is less than \$45.**

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

**(4)(a) The provisions of this section do not apply to fines imposed under ORS 339.990.**

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

**SECTION 5.** ORS 153.675, as amended by section 7, chapter 78, Oregon Laws 2016, is amended to read:

153.675. (1) Amounts payable to the state under ORS 153.633, 153.645 and 153.650 **and section 2 of this 2017 Act** shall be transferred by the court to the Department of Revenue for distribution as provided in ORS 305.830. Except as provided in ORS 153.640 (2)(b), amounts payable to a local government under ORS 153.640 to 153.680 **and section 2 of this 2017 Act** shall be deposited by the court in the local government's general fund and are available for general governmental purposes.

(2) Justice and municipal courts must make the transfer required by subsection (1) of this section under ORS 153.633, 153.645 and 153.650 **and section 2 of this 2017 Act** not later than the last day of the month immediately following the month in which a payment on a judgment is received by the court.

**SECTION 6.** ORS 305.830 is amended to read:

305.830. (1) Amounts transferred to the Department of Revenue by justice and municipal courts under ORS 153.633, 153.645 and 153.650 **and section 2 of this 2017 Act** shall be deposited in a suspense account established under ORS 293.445 for the purpose of receiving criminal fines and assessments.

(2) In carrying out its duties under this section, the Department of Revenue shall have access to the records and dockets of those courts charged with the duty to transfer moneys to the department under ORS 153.633, 153.645 and 153.650 **and section 2 of this 2017 Act**.

(3) The Department of Revenue may retain from the funds transferred under ORS 153.633, 153.645 and 153.650 **and section 2 of this 2017 Act** an amount not to exceed two percent annually for its actual costs of collection and disbursement of funds under this section, including the cost of all examinations, investigations and searches, and of all traveling and other expenses in connection therewith. The department shall deposit the net amount of moneys in the suspense account described in subsection (1) of this section into the Criminal Fine Account.

(4) All judicial, municipal and county officers shall cooperate with the Department of Revenue with respect to the collections, searches and investigations and shall furnish the Department of Revenue with any information contained in any of the records under their respective custodies relating thereto.

(5) The Department of State Police shall cooperate in the investigation of fines, penalties and forfeitures.

**Passed by House April 12, 2017**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate May 15, 2017**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2017

**Approved:**

.....M,....., 2017

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2017

.....  
Dennis Richardson, Secretary of State