

House Bill 2244

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Early Childhood and Family Supports)

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 **as introduced**.

Establishes CourtCare Fund and appropriates moneys in fund to Department of Education for distribution to counties to operate CourtCare programs.

Directs circuit courts to collect surcharge on certain fees to be deposited in CourtCare Fund.

A BILL FOR AN ACT

1
2 Relating to CourtCare programs; creating new provisions; amending ORS 21.006, 21.155, 21.185,
3 813.020 and 813.030; and providing for revenue raising that requires approval by a three-fifths
4 majority.

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

6 **SECTION 1. (1) The CourtCare Fund is established in the State Treasury, separate and**
7 **distinct from the General Fund. Interest earned by the CourtCare Fund shall be credited to**
8 **the fund. Moneys in the fund are continuously appropriated to the Department of Education**
9 **for purposes of distribution of the moneys to counties to operate CourtCare programs that**
10 **provide child care and serve as clearinghouses for information and resource referrals for**
11 **individuals and families with court-related matters or governmental business in or near a**
12 **county courthouse or courthouse complex.**

13 **(2) The department shall establish criteria for determining whether a county may receive**
14 **moneys from the CourtCare Fund.**

15 **SECTION 2. ORS 21.155 is amended to read:**

16 21.155. (1) A circuit court shall collect a filing fee of \$287 when a complaint or other document
17 is filed for the purpose of commencing one of the following proceedings and when an answer or
18 other first appearance is filed in the proceeding:

19 *[(1)]* (a) Proceedings for dissolution of marriage, annulment of marriage or separation.

20 *[(2)]* (b) Filiation proceedings under ORS 109.124 to 109.230.

21 *[(3)]* (c) Proceedings under ORS 108.110, 109.100 and 109.103.

22 **(2) In addition to the filing fee collected under subsection (1) of this section, the court**
23 **shall collect a surcharge of \$_____ when a complaint or other document is filed for the**
24 **purpose of commencing one of the proceedings listed in subsection (1) of this section and**
25 **when an answer or other first appearance is filed in the proceeding, to be deposited in the**
26 **CourtCare Fund established in section 1 of this 2019 Act.**

27 **SECTION 3. ORS 813.020 is amended to read:**

28 813.020. When a person is convicted of driving while under the influence of intoxicants in vio-
29 lation of ORS 813.010, a court shall comply with the following in addition to any fine or other pen-
30 alty imposed upon the person under ORS 813.010:

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 (1) The court shall require the person to:

2 (a) Pay to the court the fee described under ORS 813.030 in addition to any fine imposed under
3 ORS 813.010;

4 **(b) Pay to the court a surcharge of \$_____, to be deposited in the CourtCare Fund es-**
5 **tablished in section 1 of this 2019 Act;**

6 [(b)] (c) Complete a screening interview and a treatment program as provided in ORS 813.021;
7 and

8 [(c)] (d) Submit to booking, if the person has not already been booked.

9 (2) The court must impose and not suspend execution of a sentence requiring the person either
10 to serve at least 48 hours' imprisonment, which shall be served consecutively unless justice requires
11 otherwise, or to perform community service for times specified by the court under ORS 137.129. For
12 purposes of this subsection:

13 (a) A court may provide for the imprisonment to be served in jail, minimum security facilities
14 or inpatient rehabilitation or treatment centers.

15 (b) Whenever the judge provides for the mandatory imprisonment to be served other than con-
16 secutively, the judgment must specifically so provide and the judge must state the reasons in writ-
17 ing.

18 (3) In a county that has a victim impact program a court may require the person to attend a
19 victim impact treatment session. If the court requires attendance under this section, the court may
20 require the defendant to pay a reasonable fee to the victim impact program to offset the cost of the
21 defendant's participation. The fee shall be established for each county by the victim impact panel
22 coordinator and steering committee of that county and shall be not less than \$5 or more than \$50.

23 **SECTION 4.** ORS 21.006 is amended to read:

24 21.006. Notwithstanding ORS 21.005, each month the State Court Administrator shall transfer
25 to the State Court Technology Fund 8.85 percent of the fees collected by the State Court Adminis-
26 trator under ORS 21.010, 21.135, 21.145, 21.155 (1), 21.160, 21.170, 21.180, 21.235, 46.570, 105.130 and
27 106.120.

28 **SECTION 5.** ORS 21.185 is amended to read:

29 21.185. The filing fees **and surcharges** described in ORS 21.135, 21.145, 21.155 and 21.160 may
30 not be charged to a district attorney or to the Division of Child Support of the Department of Jus-
31 tice for the filing of any proceeding related to the provision of support enforcement services as de-
32 scribed in ORS 25.080.

33 **SECTION 6.** ORS 813.030 is amended to read:

34 813.030. The fee required by ORS 471.432 and 813.020 (1)(a) shall be in the amount of \$255, ex-
35 cept that the court may waive all or part of the fee in cases involving indigent defendants. The court
36 may make provision for payment of the fee on an installment basis. A circuit court shall deposit the
37 fee in the Criminal Fine Account. If the fee is collected in a municipal or justice court, the fee shall
38 be forwarded by the court to the Department of Revenue for deposit in the Criminal Fine Account.

39 **SECTION 7. (1) The amendments to ORS 21.155 by section 2 of this 2019 Act apply to**
40 **proceedings commenced on or after the effective date of this 2019 Act.**

41 **(2) The amendments to ORS 813.020 by section 3 of this 2019 Act apply to convictions**
42 **occurring on or after the effective date of this 2019 Act.**

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