

House Bill 4210 Testimony
Submitted by Hon. Ron McDermid
Elected Sherman County Justice of the Peace
Personal Testimony
June 24, 2020

To The Joint Committee on the First Special Session of 2020

Dear Chairpersons and Committee Members,

This is my personal testimony regarding HB 4210. As a Justice of the Peace who often handles traffic matters, I am opposed to HB 4210 in its present form but supportive of working with other stakeholders and the legislature to develop comprehensive measures to address the objective of allowing persons with a limited ability to pay court fees and fines the ability to maintain their driving privilege. One of the most rewarding parts of being a Justice of the Peace to me is the opportunity to help people learn from their mistakes and make better decisions moving forward. I frequently impose penalties that take into account the challenges that the person is facing, financial and otherwise. If courts were allowed greater flexibility and creativity in imposing penalties it would significantly benefit those with a limited ability to pay and contribute to increased public confidence in the judicial process.

One of my greatest concerns regarding HB 4210 as drafted involves the likelihood that many defendants who do have the ability to pay will be less likely to appear before the court, believing that they have little to lose by not addressing their violation offenses with the court. It has previously been stated that compliance can be facilitated just as well through alternative actions as through court facilitated compliance that includes the ability to suspend the driving privilege through ORS 809.210. My experience leads me to conclude that in many instances only the courts ability to suspend the driving privilege, and used as a last resort, will facilitate compliance with the law. If HB 4210 passes I fear there will be more people than ever who are emboldened to ignore their court obligation, not due to an inability to pay, but due to their own willful noncompliance. There are many alternatives to this legislation that have not been considered and I encourage this body to explore alternatives to the repeal of ORS 809.210 that will assist those vulnerable segments of our population without the unintended negative consequence that HB 4210, as currently written, brings with it.

Thank you for the opportunity to submit testimony to this body.

Hon. Ron McDermid
Sherman County Justice of the Peace