



OREGON JUDICIAL DEPARTMENT  
Office of the State Court Administrator

April 21, 2021  
**(SENT BY EMAIL)**

Senate Committee on Judiciary and Ballot Measure 110 Implementation  
900 Court St NE, Room 331  
Salem, Oregon, 97301

Re: Response to a Committee Questions– Fairness in Fines and Fees, HB 2176

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of the Senate Committee on Judiciary and Ballot Measure 110 Implementation:

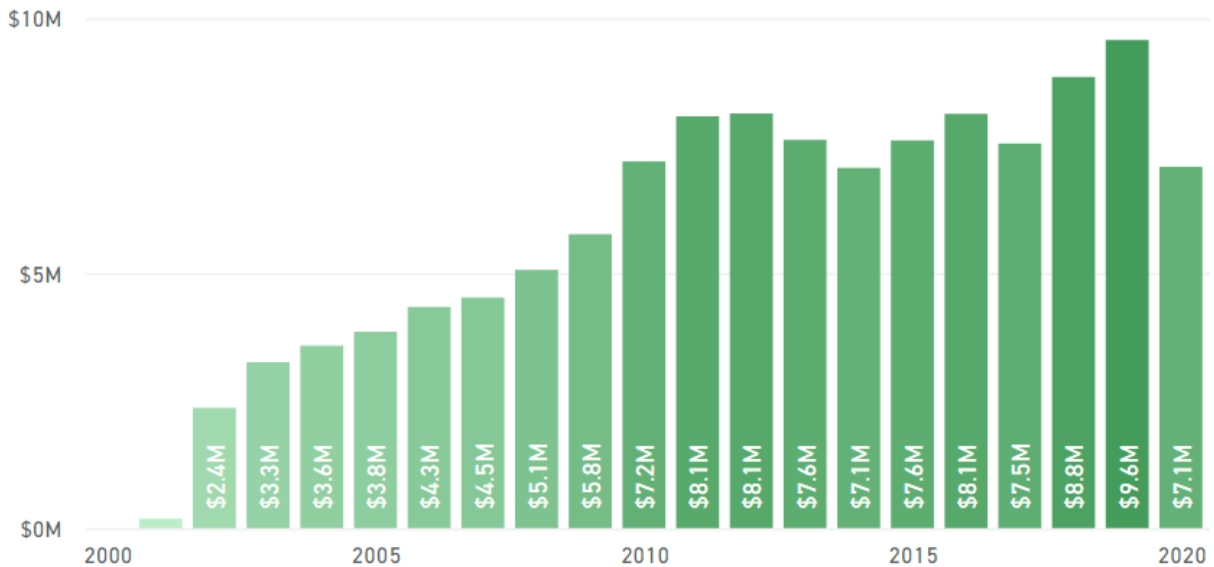
Thank you for your time and attention to our presentation on HB 2176, Oregon Judicial Department's bill to improve fairness and equity in fines and fees. I write to respond to two questions posed by Committee members. I hope the following information assists you, but should you need more information, please let me know.

First, Senator Linthicum asked a question about consistency of across circuits, and what the Legislature can expect post-passage. As I mentioned, when the bill becomes law a new Chief Justice Order (CJO) will be issued providing instructions to courts as to the imposition of payment plan fees, as well as guidance on ability to pay where making adjustments to judgments that contain an order of restitution. This CJO will serve to increase consistent application, while providing courts discretion to adjust payments and payment plans to individual circumstances.

Vice-Chair Thatcher followed with a question regarding revenue impacts and the degree to which we could expect this proposed concept to impact the Criminal Fine Account. Courts currently collect \$7M - \$8M a year in payment plan fees. However, those amounts are approximately half of what is imposed (50% collection rate). If we can apply the payment plan fee in a more targeted fashion, we hope to reduce uncollectible fees and increase amounts collected.

**One of the principal drivers of successful engagement with a payment plan is that it is achievable and perceived as fair.** If courts can impose payment plan fees that are proportional and consider the circumstances of the individual, we believe that we may see more engagement and commitment to paying off those fines and fees imposed, not less.

Revenue Collected by Year, Payment Plan Fees to General Fund

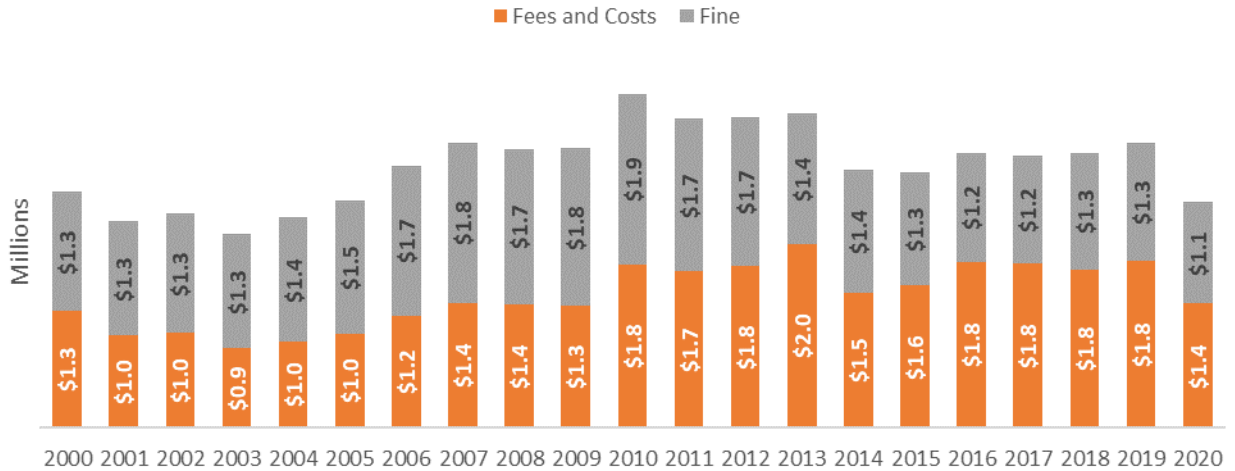


As to the impact on the criminal fine account, allowing OJD to settle fines and fees on judgments with restitution is a collection tool that would be used in circumstances where the individual is unable to pay the previously imposed obligation and the benefit of collecting a modified payment amount will result in a better case outcome and avoid prolonged collection activities.

Courts currently collect \$2M - \$3M a year in fines, fees, and costs on restitution judgments. The 20-year collection rate on these judgments is approximately 30%. Fines, fees, and costs on restitution judgments are generally lower than the amount of restitution ordered. If courts are able to settle fines, fees and costs on these judgments in limited circumstances to get restitution paid in full immediately, that would not only benefit the victim, but also benefit courts which sometimes have to manage these payment plans for years. The criteria for how and when courts would be able to settle fines, fees and costs on restitution judgments would be outlined by rule in a CJO.

The following chart depicts the revenue brought in by our current fines and fees structure. For clarity, fees and cost payments go to the General Fund, and criminal fines go to the Criminal Fine Account.

### Fines, Fees, and Costs Collected by Year on Restitution Judgments Fees and Costs to General Fund and Fines to Criminal Fine Account



While the revenue through the imposition of fines and fees is substantial for the State, we do not believe that HB 2176 will have a revenue impact because the outstanding criminal fines and fees that are the subject of this legislation are largely uncollectable. Please let me know if I can provide any additional information. Thank you.

Sincerely,

Erin M. Pettigrew