

SB 755-10
(LC 3429)
3/9/21 (JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION (at the request of Senator Floyd Prozanski)

**PROPOSED AMENDMENTS TO
SENATE BILL 755**

1 On page 1 of the printed bill, line 2, after “153.018,” insert “153.019,
2 153.021.”.

3 On page 9, delete lines 25 through 45.

4 On page 10, delete lines 1 and 2 and insert:

5 **“SECTION 12.** ORS 153.018, as amended by section 19, chapter 2, Oregon
6 Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

7 “153.018. (1) The penalty for committing a violation is a fine. The law
8 creating a violation may impose other penalties in addition to a fine but may
9 not impose a term of imprisonment.

10 “(2) Except as otherwise provided by law, the maximum fine for a vio-
11 lation committed by an individual is:

12 “(a) \$2,000 for a Class A violation.

13 “(b) \$1,000 for a Class B violation.

14 “(c) \$500 for a Class C violation.

15 “(d) \$250 for a Class D violation.

16 “(e) \$100[, *or, in lieu of the fine, a completed health assessment as specified*
17 *in section 2 (2)(b)(ii) or section 23 (2),*] for a Class E violation.

18 “(f) \$2,000 for a specific fine violation, or the maximum amount otherwise
19 established by law for the specific fine violation.

20 “(3) If a special corporate fine is specified in the law creating the vio-
21 lation, the sentence to pay a fine shall be governed by the law creating the

1 violation. Except as otherwise provided by law, if a special corporate fine is
2 not specified in the law creating the violation, the maximum fine for a vio-
3 lation committed by a corporation is:

4 “(a) \$4,000 for a Class A violation.

5 “(b) \$2,000 for a Class B violation.

6 “(c) \$1,000 for a Class C violation.

7 “(d) \$500 for a Class D violation.

8 **“SECTION 12a.** ORS 153.019 is amended to read:

9 “153.019. (1) Except as provided in ORS 153.020 **and sections 22 and 23,**
10 **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)),** the presumptive
11 fines for violations are:

12 “(a) \$440 for a Class A violation.

13 “(b) \$265 for a Class B violation.

14 “(c) \$165 for a Class C violation.

15 “(d) \$115 for a Class D violation.

16 **“(e) \$100 for a Class E violation.**

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

18 “(a) The amount specified by statute as the presumptive fine for the vio-
19 lation; or

20 “(b) An amount equal to the greater of 20 percent of the maximum fine
21 prescribed for the violation, or the minimum fine prescribed by statute for
22 the violation.

23 “(3) Any surcharge imposed under ORS 1.188 shall be added to and made
24 a part of the presumptive fine.

25 **“SECTION 12b.** ORS 153.021 is amended to read:

26 “153.021. (1) Except as otherwise provided by law, a court may not defer,
27 waive, suspend or otherwise reduce the fine for a violation that is subject
28 to the presumptive fines established by ORS 153.019 (1) or 153.020 to an
29 amount that is less than:

30 “(a) \$225 for a Class A violation.

1 “(b) \$135 for a Class B violation.

2 “(c) \$85 for a Class C violation.

3 “(d) \$65 for a Class D violation.

4 “(e) **\$45 for a Class E violation.**

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

8 “(3) This section does not affect the manner in which a court imposes or
9 reduces monetary obligations other than fines.

10 “(4) The Department of Revenue or Secretary of State may audit any
11 court to determine whether the court is complying with the requirements of
12 this section. In addition, the Department of Revenue or Secretary of State
13 may audit any court to determine whether the court is complying with the
14 requirements of ORS 137.145 to 137.159 and 153.640 to 153.680. The Depart-
15 ment of Revenue or Secretary of State may file an action under ORS 34.105
16 to 34.240 to enforce the requirements of this section and of ORS 137.145 to
17 137.159 and 153.640 to 153.680.”

18 On page 14, delete lines 31 through 45.

19 On page 15, delete lines 1 through 22 and insert:

20 “**SECTION 22.** Section 22, chapter 2, Oregon Laws 2021 (Ballot Measure
21 110 (2020)), is amended to read:

22 “**Sec. 22. Notwithstanding ORS 153.018, 153.019 and 153.021**, any person
23 subject to the penalty [*set forth in ORS 153.018 (2)(e)*] for a violation that
24 has been classified or reclassified as a Class E violation [*pursuant to section*
25 *11 to section 19,*] **under ORS 475.752, 475.824, 475.834, 475.854, 475.874,**
26 **475.884 or 475.894** shall be fined up to \$100, but in lieu of the fine[,] may
27 complete a health assessment, as set forth in section 2 [(2)(b)(ii),] **(2)(c)(B),**
28 **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**, at an Addiction
29 Recovery Center. Upon verification that the person has received a health
30 assessment at an Addiction Recovery Center within 45 days of when the

1 person receives [*a citation for a violation subject to the penalty set forth in*
2 *ORS 153.018 (2)(e)*], **the citation for a Class E violation**, the fine shall be
3 waived. Failure to pay the fine shall not be a basis for further penalties or
4 for a term of incarceration.

5

6

“OVERSIGHT AND ADMINISTRATION

7

8 **“SECTION 23.** Section 23, chapter 2, Oregon Laws 2021 (Ballot Measure
9 110 (2020)), is amended to read:

10 **“Sec. 23.** [*Implementation.*] (1) Not later than February 1, 2021, the
11 Oregon Health Authority[, *Health Systems Division Behavioral Health Ser-*
12 *vices*] shall establish a statewide temporary telephone Addiction Recovery
13 Center. The temporary telephone Addiction Recovery Center shall be staffed
14 [*twenty-four*] **24** hours a day, seven days a week, 365 days a year. The tem-
15 porary telephone Addiction Recovery Center shall provide the services set
16 forth in section 2 [(2)(b)(i)-(iii)] **(2)(c)(A) to (C), chapter 2, Oregon Laws**
17 **2021 (Ballot Measure 110 (2020))**, and the verification set forth in section
18 2 [(2)(e)] **(2)(f), chapter 2, Oregon Laws 2021 (Ballot Measure 110**
19 **(2020))**.

20 **“(2) Notwithstanding ORS 153.018, 153.019 and 153.021**, until such time
21 as an Addiction Recovery Center is established in the coordinated care or-
22 ganization service area where a person subject to the penalty [*set forth in*
23 *ORS 153.018 (2)(e)*] for a violation that has been classified or reclassified as
24 a Class E violation [*pursuant to section 11 to section 19*] **under ORS 475.752,**
25 **475.824, 475.834, 475.854, 475.874, 475.884 and 475.894** resides, the person
26 shall be fined up to \$100, but in lieu of the fine may complete a health as-
27 sessment, as set forth in section 2 [(2)(b)(ii)] **(2)(c)(B), chapter 2, Oregon**
28 **Laws 2021 (Ballot Measure 110 (2020))**, through the temporary telephone
29 Addiction Recovery Center. Upon verification that the person has received
30 a health assessment through the temporary telephone Addiction Recovery

1 Center within 45 days of when the person receives [*a citation for a violation*
2 *subject to the penalty set forth in ORS 153.018 (2)(e),*] **the citation for a**
3 **Class E violation**, the fine shall be waived. Failure to pay the fine shall
4 not be a basis for further penalties or for a term of incarceration.

5 “(3) When an Addiction Recovery Center is established in each coordi-
6 nated care organization service area, and not later than October 1, 2021, the
7 temporary telephone Addiction Recovery Center shall be terminated.”.

8
