



OREGON JUDICIAL DEPARTMENT
Office of the State Court Administrator

February 2, 2022
(SENT BY EMAIL)

House Committee on Judiciary

Re: Response to a Committee Question – Work Alternatives Applied to Fines and Restitution, HB 4120

Dear Chair Bynum, Vice-Chairs Noble and Power, and Members of the House Committee on Judiciary:

Thank you for your time and attention to our testimony on HB 4120, Oregon Judicial Department's bill to reduce barriers for those who are seeking services from our courts and to facilitate access to justice. I write to respond to a question posed by Representative Morgan. I hope the following information is helpful, but should you need more information, please let me know.

During the hearing, Representative Morgan inquired about work alternatives, such as community service, and whether they may be used in lieu of payments toward fines or applied towards restitution.

The imposition of community service in lieu of violation fines is limited to the time of sentencing and subject to statutory requirements in ORS 137.126 through 137.131. Those statutes authorize a judge to sentence an individual to community service as an alternative to a fine. They also require that the individual consent to performing community service before being sentenced and limit the duration of community service to 48 hours in violation cases.

While community service is available with limitations, OJD's intent with HB 4120 is to provide courts with discretion to waive, in whole or in part, a minimum violation fine when the court determines that justice requires such a reduction. As noted during my testimony, for many of our community members violation debt is simply not payable and presents an insurmountable barrier in accomplishing their goals. Further, even though judges are given broad authority to reduce fines for felonies and misdemeanors, current state law does not permit the reduction of violation fines to an amount that is less than minimum statutorily prescribed amounts.

In terms of whether work alternatives are eligible for restitution awards, ORS 137.106(1)(b) does not allow the court to order restitution in a specific amount that is less than the full amount of the victim's economic damages, unless the victim consents. However, even if a victim consented to a reduced restitution amount and community service was contemplated, the court would nevertheless be required to comply with the community service constraints outlined in ORS 137.125 and ORS 137.129 as discussed above.

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Please let me know if I can provide any additional information. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin M. Pettigrew". The signature is written in a cursive, flowing style.

Erin M. Pettigrew