

HB 2491 A -A2 STAFF MEASURE SUMMARY

House Committee On Rules

Prepared By: Gillian Fischer

Meeting Dates: 4/21, 4/23

WHAT THE MEASURE DOES:

The measure establishes a process a court must utilize upon receipt of a petition for remission of fines or fees under certain statutes. It provides factors the court shall consider when determining whether to remit a fine or fee under this provision including: the financial resources of the petitioner; the financial obligations of the petitioner; the nature of the burden the debt imposes; whether the petitioner qualifies for public assistance; the age of the debt; and any other equitable factor. If the court determines that requiring payment would be a manifest hardship based on the consideration of the factors provided, the measure directs the court to remit all or part of the amount due. Finally, it directs the State Court Administrator to develop a standardized form to be used for the petitions for remissions of fines or fees that it be made available on the website of the Judicial Department.

ISSUES DISCUSSED:

- Amendment for technical fix
- Fines and fees usually one requirement of a broader sentence imposed
- Equitable considerations of individuals and the impact fines and fees have case by case
- Uniformity in considering petitions

EFFECT OF AMENDMENT:

-A2 The amendment adds the word 'fine' and allows a court to remit a fine in addition to costs or fees when granting a petition for remission.

BACKGROUND:

Oregon statutes 151.505; 161.665; and 161.685 authorize a court to enter an order amending a judgment for fines and fees allowing the defendant additional time for payment, reducing the amount of the payment or installments due on the payment, or revoking the fine or order of restitution in whole or in part. The process for seeking remission of the payment of costs and the standards applied in considering whether a petition is granted by a court is not consistent between the statutes. HB 2491 A establishes a uniform process a court must utilize upon receipt of a petition for the remission of fines, fees or costs under ORS 151.505 (4), 161.665 (5) or 161.685 (5)(b) and for determining whether requiring payment of the fine, fee or cost would be a manifest hardship for the petitioner requiring remission of the amount due.