

**2007 Regular Legislative Session**  
**FISCAL ANALYSIS OF PROPOSED LEGISLATION**  
**Prepared by the Oregon Legislative Fiscal Office**

---

**MEASURE NUMBER:** HB 2303                      **STATUS:** A Engrossed  
**SUBJECT:** Expands the authority of courts to reduce fines for violations.  
**GOVERNMENT UNIT AFFECTED:** Oregon Judicial Department  
**PREPARED BY:** Tim Walker  
**REVIEWED BY:** Robin LaMonte  
**DATE:** May 4, 2007

---

	<u>2007-2009</u>	<u>2009-2011</u>
<b>EXPENDITURES:</b> See Comments		

**REVENUES:**  
See Comments

**EFFECTIVE DATE:** January 1, 2008

**GOVERNOR’S BUDGET:** This bill is not anticipated by the Governor’s recommended budget.

**LOCAL GOVERNMENT MANDATE:** This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**COMMENTS:** The bill would grant courts greater authority to reduce fines for violations under certain conditions. The bill would also reduce the minimum fine from 75% of the base fine amount to 50% of the base fine amount. A court may further reduce a fine under the following exceptions: a vehicle equipment violation in which the related equipment has been repaired or replaced; the driver has not had a violation within the last three years; a determination that the defendant is indigent; or a determination that a higher fine would be inconsistent with justice. The base fine is the minimum amount the citing officer must enter on the citation when charging a person with a violation-level offense. The bill also provides that a search warrant that authorizes seizure of items from a corporation, may be executed under certain circumstances by mailing the warrant to the registered agent of the corporation.

This bill has the potential to reduce revenue from lowering the minimum sanction from 75% to 50% for violations. It is difficult to quantify with a high level of certainty the exact revenue impact. In calendar years 2004 and 2005 there were approximately 503,000 violations filed in Circuit Courts for a total of \$67.2 million dollars in sanctions. If the 50% minimum sanction is uniformly applied across all violations, it is reasonable to think that there would be a 33% decrease in revenue from violations. In this case a difference of \$22.4 million over a two year period. For this analysis, it is assumed that all violations would be assessed at the 50% minimum sanction level. No attempt has been made to quantify how many violations would be subject to the indigent or “inconsistent with justice” exceptions allowed by the bill. This analysis is from data available from the Oregon Judicial Information Network and does not attempt to quantify the effects on local jurisdiction, but it is assumed that the effects on local revenues would be similar but the magnitude and would depend upon the size of the jurisdiction and volume of violations filed. This bill would also potentially decrease revenues the state receives from local jurisdictions. This bill has a potential negative impact on the Criminal Fines and Assessment Account

and the General Fund and therefore the Legislative Fiscal Office believes this bill warrants a subsequent referral the Joint Committee on Ways and Means to fully assess its General Fund impact.