

A-Engrossed
House Bill 4093

Ordered by the House February 15
Including House Amendments dated February 15

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Consumer Protection and Government Effectiveness for Multnomah County)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Authorizes board of commissioners of county that has legislative authorization to receive certain funds for construction or capital improvements to courthouse to impose surcharge on certain civil court fees.]

[Authorizes presiding judge of judicial district for county that has legislative authorization to receive certain funds for construction or capital improvements to courthouse to impose surcharge on certain fines for deposit in county account dedicated to construction or capital improvements to courthouse.]

Authorizes presiding judge of judicial district for county that meets certain criteria and has received funds, or has authorization to receive funds, for construction or capital improvements to courthouse to impose surcharge on certain fines for deposit in county account dedicated for payment of costs related to courthouse project.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to courthouses; creating new provisions; amending ORS 153.019, 153.020 and 153.640; and
3 declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) As used in this section, "offense" means:**

6 **(a) A violation of a parking ordinance; or**

7 **(b) A traffic offense as defined in ORS 801.555 (2).**

8 **(2) Notwithstanding ORS 137.143, the presiding judge of the judicial district in which a**
9 **county is located may order that the circuit court for the county impose a surcharge in the**
10 **amount of \$5 on each fine assessed for an offense in the county if:**

11 **(a) The county has received funds, or has legislative authorization to receive funds, for**
12 **a county courthouse from the proceeds of bonds issued pursuant to Article XI-Q of the**
13 **Oregon Constitution deposited in the Oregon Courthouse Capital Construction and Improve-**
14 **ment Fund established in section 64, chapter 723, Oregon Laws 2013;**

15 **(b) Debt service is owed on any Article XI-Q bonds issued related to the county court-**
16 **house;**

17 **(c) Debt service is owed on any bonds issued under ORS 271.390 or ORS chapter 287A to**
18 **finance capital costs of the courthouse project for which bonds are or will be issued under**
19 **section 8, chapter 705, Oregon Laws 2013, in the county imposing the surcharge;**

20 **(d) The board of county commissioners has requested that the presiding judge of the ju-**
21 **dicial district in which the county is located order the imposition of a surcharge and has**
22 **identified the purposes for which the surcharge funds would be used; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (e) The Chief Justice of the Supreme Court has approved the surcharge.

2 (3) The circuit court for the county may not impose a surcharge under this section un-
3 less, before July 1 of the calendar year preceding the imposition of the surcharge, the court
4 submits to the State Court Administrator a copy of the order imposing the surcharge. The
5 court may begin imposing the surcharge on fines for offenses occurring on and after January
6 1 of the calendar year following submission of the order to the State Court Administrator.

7 (4) The surcharge shall be levied fully if any fine is imposed and shall be collected from
8 the first amounts paid on the fine for each offense.

9 (5) The surcharge shall be collected by the circuit court for the county and paid to the
10 county for deposit in the account established under section 2 of this 2016 Act and used solely
11 for:

12 (a) Payment of capital costs of the courthouse project for which bonds are or will be is-
13 sued under section 8, chapter 705, Oregon Laws 2013, in the county imposing the surcharge;
14 or

15 (b) Payment of debt service and related expenses and funding of debt service reserves,
16 if any, for bonds issued under ORS 271.390 or ORS chapter 287A to finance capital costs of
17 the courthouse project for which bonds are or will be issued under section 8, chapter 705,
18 Oregon Laws 2013, in the county imposing the surcharge.

19 **SECTION 2.** (1) The county treasurer shall deposit moneys received from surcharges
20 imposed under section 1 of this 2016 Act in a courthouse surcharge account maintained by
21 the county treasurer.

22 (2) The moneys in the courthouse surcharge account and interest upon the account are
23 reserved for the purposes of:

24 (a) Payment of capital costs of the courthouse project for which bonds are or will be is-
25 sued under section 8, chapter 705, Oregon Laws 2013, in the county imposing the surcharge;
26 or

27 (b) Payment of debt service and related expenses and funding of debt service reserves,
28 if any, for bonds issued under ORS 271.390 or ORS chapter 287A to finance capital costs of
29 the courthouse project for which bonds are or will be issued under section 8, chapter 705,
30 Oregon Laws 2013, in the county imposing the surcharge.

31 (3) The county treasurer may charge against the courthouse surcharge account an ad-
32 ministrative fee for the actual costs associated with maintaining the account. The total ad-
33 ministrative fees charged each year may not exceed five percent of the moneys received from
34 surcharges imposed under section 1 of this 2016 Act for that year.

35 **SECTION 3.** ORS 153.019 is amended to read:

36 153.019. (1) Except as provided in ORS 153.020, the presumptive fines for violations are:

37 (a) \$435 for a Class A violation.

38 (b) \$260 for a Class B violation.

39 (c) \$160 for a Class C violation.

40 (d) \$110 for a Class D violation.

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

42 (a) The amount specified by statute as the presumptive fine for the violation; or

43 (b) An amount equal to the greater of 20 percent of the maximum fine prescribed for the vio-
44 lation, or the minimum fine prescribed by statute for the violation.

45 (3) Any surcharge imposed under section 1 of this 2016 Act shall be added to and made

1 **a part of the presumptive fine.**

2 **SECTION 4.** ORS 153.020 is amended to read:

3 153.020. (1) If a person is charged with a traffic violation, as defined in ORS 801.557, and the
4 enforcement officer issuing the citation notes on the citation that the offense occurred in a highway
5 work zone and is subject to the provisions of ORS 811.230, occurred in a posted school zone and is
6 subject to the provisions of ORS 811.235, or occurred in a safety corridor and is subject to the
7 provisions of ORS 811.483, the presumptive fine for the violation is:

8 [(1)] (a) \$870 for a Class A violation.

9 [(2)] (b) \$520 for a Class B violation.

10 [(3)] (c) \$320 for a Class C violation.

11 [(4)] (d) \$220 for a Class D violation.

12 **(2) Any surcharge imposed under section 1 of this 2016 Act shall be added to and made**
13 **a part of the presumptive fine.**

14 **SECTION 5.** ORS 153.640 is amended to read:

15 153.640. (1) If a circuit court enters a judgment of conviction for a traffic offense, the full
16 amount of the fine imposed under the judgment is payable to the state if the conviction resulted from
17 a prosecution arising out of an arrest or complaint made by an officer of the Oregon State Police
18 or by any other enforcement officer employed by state government, as defined in ORS 174.111.

19 (2) If a circuit court enters a judgment of conviction for a traffic offense and the conviction
20 resulted from a prosecution arising out of an arrest or complaint made by a sheriff, deputy sheriff,
21 city police officer or any other enforcement officer employed by a local government, as defined in
22 ORS 174.116:

23 (a) **Any surcharge imposed under section 1 of this 2016 Act is payable to the county;**

24 (b) **Out of the amount remaining after any payment required by paragraph (a) of this**
25 **subsection, the amount prescribed by ORS 153.633 (1) is payable to the state and must be deposited**
26 **in the Criminal Fine Account;**

27 [(b)] (c) One-half of the amount remaining after any *[payment required by paragraph (a)]* **pay-**
28 **ments required by paragraphs (a) and (b)** of this subsection is payable to the local government
29 that employs the enforcement officer; and

30 [(c)] (d) One-half of the amount remaining after any *[payment required by paragraph (a)]* **pay-**
31 **ments required by paragraphs (a) and (b)** of this subsection is payable to the state.

32 **SECTION 6. This 2016 Act being necessary for the immediate preservation of the public**
33 **peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect**
34 **on its passage.**