

**Testimony on HB 2241**  
**Phillip Lemman, Oregon Judicial Department**  
**Public Safety Subcommittee, June 12, 2019**

House Bill 2241 was introduced by the Chief Justice to address a funding shortfall in the State Court Technology Fund, which pays for most of OJD's technology support services. The main source of that shortfall is a \$3.3 million contractual maintenance fee to the Oregon eCourt vendor, which must be paid. The Chief Justice's budget request also asked for \$3.3 million in General Fund as an alternative method to fund state court technology services. SB 5513, OJD's budget bill approved by this subcommittee yesterday, includes \$2.4 million in Other Funds limitation and assumes passage of HB 2241.

As we have previously testified, the Oregon eCourt system has provided a multitude of benefits to the courts, litigants, and the public and private entities that rely on court information. Private-sector users of the court system support court technology services in two major ways. First, a portion of filing fees support eFiling and other technology services. In addition, OJD charges subscription fees to lawyers and businesses for online access to court documents and information.

The same is not true for public-sector users. Public entities are exempt from paying statutory filing fees, and about three-fourths of the 9,000 subscribers for document access are public-sector agencies that are not charged for that service.

OJD has presented a variety of proposals in previous session to address the pending shortfall – increasing violation fines, an assessment on state agencies, and in HB 2241 specifically authorizing the Chief Justice to impose fees on public-sector users of OJD technology systems for document access and eFiling. This subcommittee approved amendments to SB 5513 that provides \$1 million in General Fund in state support for the Technology Fund, and \$2.4 million in Other Funds limitation for the revenue produced by HB 2241.

The Chief Justice intends to use the authority in HB 2241 -3 to propose a fee based on the number of criminal cases filed in the circuit court. The proposed fee level is \$40 per felony case filed and \$20 per misdemeanor case, and counties filing fewer than 500 felony cases/year would be exempt from any fee. We intend to provide a notice and comment period for this fee proposal, consider the information received on the level of the fee, any potential changes in charging or filing practices because of the fee, and preferred timing to implement the fee structure.

Criminal cases rely on court technology services for eFiling pleadings, electronic document access, calendar access, and electronic notices, in addition to the core case management functions that court staff perform in criminal cases. In addition, the criminal histories relied on in certain charging and sentencing decisions come from the Law Enforcement Data System (LEDS), which relies on automated transmission of court conviction information.

I would be glad to answer questions.