



Fines & Fees

2020 HB 4142

Key Points

- People who don't have the means to pay their fine immediately should not be charged to set up a payment plan.
- Repealing the minimum payment plan fee will help make court collections more fair and focus on a person's ability to pay.
- Courts should be able to settle criminal fines in cases where restitution has been imposed – it will help collect restitution owed to victims.

HB 4142 – Fair Collection of Court Fines

HB 4142 repeals the statutory requirement that courts impose minimum \$50 fee to set up a payment plan. Restitution judgements cannot be adjusted but would allow courts to settle fines and other financial obligations in a judgment that contains restitution.

Payment Plan Fee. ORS 1.202 requires the Judicial Department to add a fee – ranging from \$50 to \$200 – when a person cannot pay a judgment in full. If a person can't pay a \$75 fine in one payment, should courts be required to add a \$50 fee on top of that?

Removing the minimum fee amount from statute would give courts more flexibility to address individual financial circumstances and recover collection costs.

Settling Judgments Containing Restitution

The 2015 legislature enacted SB 55 to improve collections and give State entities the authority to settle debts. Because crime victims have a constitutional right to receive restitution, SB 55 prohibited settling judgments containing restitution orders.

HB 4142 would clarify that the prohibition applies only to the restitution portion of the judgment. If passed, courts could settle fines, fees, and other financial obligations in a judgment that also contains a restitution order.

Because current law divides money collected between fines and restitution, adopting HB 4142 will protect restitution orders and also increase the amount of restitution going to victims of crime.

Revenue Impact

OJD does not expect significant revenue loss from repealing the minimum payment plan fee. Repealing the minimum will allow courts to engage people to pay their fines on a schedule that fits their ability. OJD can reinstate a payment plan fee if the person fails to pay or misses payments.